

H.R. 36, H.R. 3858, and H.R. 4103

LEGISLATIVE HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS
OF THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
SECOND SESSION

May 16, 2002

Serial No. 107-116

Printed for the use of the Committee on Resources



Available via the World Wide Web: <http://www.access.gpo.gov/congress/house>
or
Committee address: <http://resourcescommittee.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

79-657 PS

WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON RESOURCES

JAMES V. HANSEN, Utah, *Chairman*
NICK J. RAHALL II, West Virginia, *Ranking Democrat Member*

Don Young, Alaska, <i>Vice Chairman</i>	George Miller, California
W.J. "Billy" Tauzin, Louisiana	Edward J. Markey, Massachusetts
Jim Saxton, New Jersey	Dale E. Kildee, Michigan
Elton Gallegly, California	Peter A. DeFazio, Oregon
John J. Duncan, Jr., Tennessee	Eni F.H. Faleomavaega, American Samoa
Joel Hefley, Colorado	Neil Abercrombie, Hawaii
Wayne T. Gilchrest, Maryland	Solomon P. Ortiz, Texas
Ken Calvert, California	Frank Pallone, Jr., New Jersey
Scott McInnis, Colorado	Calvin M. Dooley, California
Richard W. Pombo, California	Robert A. Underwood, Guam
Barbara Cubin, Wyoming	Adam Smith, Washington
George Radanovich, California	Donna M. Christensen, Virgin Islands
Walter B. Jones, Jr., North Carolina	Ron Kind, Wisconsin
Mac Thornberry, Texas	Jay Inslee, Washington
Chris Cannon, Utah	Grace F. Napolitano, California
John E. Peterson, Pennsylvania	Tom Udall, New Mexico
Bob Schaffer, Colorado	Mark Udall, Colorado
Jim Gibbons, Nevada	Rush D. Holt, New Jersey
Mark E. Souder, Indiana	Anibal Acevedo-Vila, Puerto Rico
Greg Walden, Oregon	Hilda L. Solis, California
Michael K. Simpson, Idaho	Brad Carson, Oklahoma
Thomas G. Tancredo, Colorado	Betty McCollum, Minnesota
J.D. Hayworth, Arizona	
C.L. "Butch" Otter, Idaho	
Tom Osborne, Nebraska	
Jeff Flake, Arizona	
Dennis R. Rehberg, Montana	

Tim Stewart, *Chief of Staff*
Lisa Pittman, *Chief Counsel/Deputy Chief of Staff*
Steven T. Petersen, *Deputy Chief Counsel*
Michael S. Twinchek, *Chief Clerk*
James H. Zoia, *Democrat Staff Director*
Jeffrey P. Petrich, *Democrat Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION,
AND PUBLIC LANDS

GEORGE P. RADANOVICH, California, *Chairman*

DONNA M. CHRISTENSEN, Virgin Islands *Ranking Democrat Member*

Elton Gallegly, California	Dale E. Kildee, Michigan
John J. Duncan, Jr., Tennessee	Eni F.H. Faleomavaega, American Samoa
Joel Hefley, Colorado	Frank Pallone, Jr., New Jersey
Wayne T. Gilchrest, Maryland	Tom Udall, New Mexico
Walter B. Jones, Jr., North Carolina,	Mark Udall, Colorado
<i>Vice Chairman</i>	Rush D. Holt, New Jersey
Mac Thornberry, Texas	Anibal Acevedo-Vila, Puerto Rico
Chris Cannon, Utah	Hilda L. Solis, California
Bob Schaffer, Colorado	Betty McCollum, Minnesota
Jim Gibbons, Nevada	
Mark E. Souder, Indiana	
Michael K. Simpson, Idaho	
Thomas G. Tancredo, Colorado	

C O N T E N T S

	Page
Hearing held on May 16, 2002	1
Statement of Members:	
Bereuter, Hon. Doug, a Representative in Congress from the State of Nebraska	4
Prepared statement on H.R. 36	5
Cannon, Hon. Chris, a Representative in Congress from the State of Utah, Prepared statement on H.R. 4103	61
Cubin, Hon. Barbara, a Representative in Congress from the State of Wyoming	9
Faleomavaega, Hon. Eni F.H., a Delegate in Congress from American Samoa	11
Hansen, Hon. James V., a Representative in Congress from the State of Utah	7
Radanovich, Hon. George P., a Representative in Congress from the State of California	1
Prepared statement on H.R. 36, H.R. 3858, and H.R. 4103	3
Rahall, Hon. Nick J. II, a Representative in Congress from the State of West Virginia, Prepared statement on H.R. 3858	14
Statement of Witnesses:	
Burton, Bishop H. David, Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah	28
Prepared statement on H.R. 4103	30
Fulton, Hon. Tom, Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, Washington, D.C.	15
Prepared statement on H.R. 4103	17
Higgins, Kathryn O'Leary, Vice President of Public Policy, National Trust for Historic Preservation, Washington, D.C.	40
Prepared statement on H.R. 4103	41
Koepsel, Kirk, Northern Plains Regional Representative, Sierra Club, Wyoming Chapter, Sheridan, Wyoming	44
Prepared statement on H.R. 4103	45
Larsen, Lloyd Charles, President, Riverton Wyoming Stake, Lander, Wyoming	35
Prepared statement on H.R. 4103	36
Lukei, Reese F. Jr., National Coordinator, American Discovery Trails Society, Virginia Beach, Virginia	47
Prepared statement on H.R. 36	49
Stevenson, Katherine, Associate Director, Cultural Resources Stewardship and Partnerships, National Park Service, U.S. Department of the Interior, Washington, D.C.	18
Prepared statement on H.R. 36	19
Prepared statement on H.R. 3858	21

**LEGISLATIVE HEARING ON H.R. 36, TO
AMEND THE NATIONAL TRAILS SYSTEM
ACT TO AUTHORIZE AN ADDITIONAL CAT-
EGORY OF NATIONAL TRAIL KNOWN AS A
NATIONAL DISCOVERY TRAIL, TO PROVIDE
SPECIAL REQUIREMENTS FOR THE ESTAB-
LISHMENT AND ADMINISTRATION OF
NATIONAL DISCOVERY TRAILS, AND TO
DESIGNATE THE CROSS COUNTRY AMER-
ICAN DISCOVERY TRAIL AS THE FIRST
NATIONAL DISCOVERY TRAIL; H.R. 3858, TO
MODIFY THE BOUNDARIES OF THE NEW
RIVER GORGE NATIONAL RIVER, WEST
VIRGINIA; AND H.R. 4103, TO DIRECT THE
SECRETARY OF THE INTERIOR TO
TRANSFER CERTAIN PUBLIC LANDS IN
NATRONA COUNTY, WYOMING, TO THE COR-
PORATION OF THE PRESIDING BISHOP,
AND FOR OTHER PURPOSES.**

**Thursday, May 16, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:01 a.m., in room 1324, Longworth House Office Building, Hon. George P. Radanovich [Chairman of the Subcommittee] presiding.

**STATEMENT OF THE HON. GEORGE P. RADANOVICH, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
CALIFORNIA**

Mr. RADANOVICH. Good morning. This hearing will come to order. This morning, the Subcommittee on National Parks, Recreation, and Public Lands will hear testimony on three bills, H.R. 36, H.R. 3858, and H.R. 4103.

The first bill, H.R. 36, introduced by Representative Doug Bereuter, would amend the National Trail System Act to create an additional category of national trail known as the national discovery trail, to provide special requirements for the establishment and the administration of national discovery trails, and to designate the cross-country American Discovery Trail as the first national discovery trail.

Mr. RADANOVICH. The second bill, H.R. 3858, would modify the boundaries of the New River Gorge National River of West Virginia by adding six tracts of land, all from willing sellers. The bill would also enact a fee simple land exchange of less than one-third of an acre between an adjacent private land owner and the park.

Mr. RADANOVICH. Finally, the last bill, H.R. 4103, which would direct the Secretary of the Interior to offer to sell certain public land in Natrona County, Wyoming, to the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints.

This is the second Subcommittee hearing that will have been held regarding this bill, the first of which was held in Casper, Wyoming, on May 4. Having chaired the hearing out in Casper, I have heard a bit about this bill prior to the hearing and would like to correct for the record a number of misconceptions that are out in the public domain.

During my opening statement in Casper, I noted that some groups have asserted that the bill would sell a national historic site. I corrected this misconception by explaining that the national historic sites are few in number and are of broad national significance. These are sites such as the Ronald Reagan boyhood home, the Harry Truman home, and the John Muir home. National Register sites number of 75,000 and there is a major difference in the level of significance that they have been given in comparison to the national historic sites.

I am disappointed that despite the attendance of the Wyoming Chapter of the Sierra Club at the hearing, they have referred to Martin's Cove as a national historic site in their written testimony. Again, Martin's Cove is listed on the National Register only. It is not a national historic site and the bill does not sell a national historic site.

Let me further put this in perspective by saying that there are over 75,000 sites listed on the National Register, including 31 sites in Natrona County, Wyoming, alone. This means that Martin's Cove enjoys the same status on the National Register as the Natrona County High School, the Casper Fire Department station, the Elk's Lodge, the local railroad depot, the former home of the Casper Star Tribune, and many other local properties.

Sites on the National Register change ownership all the time. For example, my staff requested a list from the Advisory Council on Historic Preservation of all the sites listed on the National Register which have been transformed out of Federal land ownership. We were told that the search would consume a staff person for a week and that they would appreciate it if we would narrow down the search because there were so many properties that fit this description.

While it may not take place every day, we also know that this occurs often enough that there is programmatic agreement in place

between the BLM and the Advisory Council on Historic Preservation on how to address transfers of historic properties without requiring a more formal process from the Advisory Council. Many of these are dealt with under the Recreation and Public Purposes Act. We were also provided with a list of several properties which have been transferred.

In addition, other Federal agencies transfer sites on the National Register all the time, as well. When military bases are closed, historic properties must be transferred out of Federal ownership to ensure that they are cared for. In fact, in 1998, a national historic landmark, a site with greater recognition than Martin's Cove, was transferred out of Federal ownership to the Aleut Corporation, a private for-profit corporation, as part of the closure of the Naval complex in Adak, Alaska.

Once again, it is my hope that this hearing will help iron out the facts on this bill and to take suggestions on what might improve this bill.

[The prepared statement of Mr. Radanovich follows:]

**Statement of The Honorable George P. Radanovich, Chairman,
Subcommittee on National Parks, Recreation, and Public Lands**

Good morning. The hearing will come to order.

This morning the Subcommittee will hear testimony on three bills, H.R. 36, H.R. 3858, and H.R. 4103.

The first bill, H.R. 36, introduced by Representative Doug Bereuter, would amend the National Trails System Act to create an additional category of national trail known as a National Discovery Trail, to provide special requirements for the establishment and administration of National Discovery Trails, and to designate the cross country American Discovery Trail as the first National Discovery Trail.

The second bill, H.R. 3858, would modify the boundaries of the New River Gorge National River in West Virginia by adding six tracts of land, all from willing sellers. The bill would also enact a fee simple land exchange of less than one-third of an acre between an adjacent private landowner and the park.

And finally, the last bill, H.R. 4103, which would direct the Secretary of the Interior to offer to sell certain public land in Natrona County, Wyoming to the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints. This is the second subcommittee hearing that we have held regarding this bill. The first of which was held in Casper, Wyoming on May 4th.

Having chaired the hearing out in Casper, and having heard a bit about this bill prior to this hearing, I would like to correct for the record a number of misconceptions that are out in the public domain. During my opening statement in Casper I noted that some groups have asserted that this bill would sell a National Historic Site. I corrected this misconception by explaining that National Historic Sites are few in number and are of broad national significance. These are sites such as the Ronald Reagan Boyhood Home, the Harry Truman Home and the John Muir Home. National Register sites number over 75,000 and there is a major difference in the level of significance they have been given, in comparison to National Historic Sites. I am disappointed that despite the attendance of the Wyoming Chapter of the Sierra Club at that hearing, they have referred to Martin's Cove again as a National Historic Site in their written testimony. Again, Martin's Cove is listed on the National Register only. This bill does not sell a National Historic Site.

Allow me to put this in perspective. There are over 75,000 sites listed on the National Register, including 31 sites in Natrona County, Wyoming alone. This means that Martin's Cove enjoys the same status on the National Register as Natrona County High School, the Casper Fire Department Station, the Elks Lodge, the local railroad depot, the former home building of the Casper-Star Tribune, and many other local properties.

Sites on the National Register change ownership all the time. For example, my staff requested a list from the Advisory Council on Historic Preservation of all the sites listed on the National Register which have been transferred out of Federal ownership. We were told that the search would consume a staff person for a week and that they would appreciate it if we could narrow the search because there were so many properties that fit this description. While it may not take place everyday,

we also know that this occurs often enough that there is a programmatic agreement in place between the BLM and the Advisory Council on Historic Preservation on how to address transfers of historic properties, without requiring a more formal process from the Advisory Council. Many of these are dealt with under the Recreation and Public Purposes Act. We were also provided with a list of several properties which had been transferred. In addition, other Federal agencies transfer sites on the National Register all the time as well. When military bases are closed, historic properties must be transferred out of Federal ownership to ensure they are cared for. In fact, in 1998, a National Historic Landmark, a site with greater recognition than Martin's Cove, was transferred out of Federal ownership to the Aleut Corporation, a private, for-profit corporation, as part of the closure of the Naval Complex in Adak, Alaska.

Once again, it is my hope that this hearing will help to iron out the facts on this bill and to take suggestions on what might improve the bill.

Mr. RADANOVICH. Before turning time over to Mr. Hansen, I would ask unanimous consent that Mrs. Cubin and Mr. Bereuter be allowed to sit on the dais after their testimony. Without objection, so ordered.

I now turn to the Chairman of the Full Committee, Mr. Hansen.

The CHAIRMAN. Mr. Chairman, thank you for those opening remarks. I note that we have a vote on right now and possibly, if I could make a suggestion, I would think it would probably be wise—I know Doug Bereuter probably does not want to sit here through the whole thing. May I ask, Doug, how long is your statement?

Mr. BEREUTER. About 6 minutes, Mr. Chairman.

Mr. RADANOVICH. We have about 6 minutes left, so—

The CHAIRMAN. Do you think it would be wise if we let Doug get this out and then go over and vote and then come back so we do not hold all these folks? What I was really concerned about is I know Mrs. Cubin wants to be here for the comments that we are going to make on the opening part and she is not here yet, so it is kind of living up to an agreement I think we have all agreed upon that she could be here.

Mr. RADANOVICH. Is there any objection, any kind of problem with—

Mr. BEREUTER. No objection, Mr. Chairman.

Mr. RADANOVICH. Why do we not move to the Honorable Doug Bereuter to make his opening statement, and then after that, we will recess for, I think it is just one vote, and then come back and resume the hearing. Doug, welcome.H.R. 36

STATEMENT OF HON. DOUG BEREUTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. BEREUTER. Chairman Radanovich, Chairman Hansen, members of the Subcommittee, thank you very much. Actually, I will not take you up on your offer to sit on the dais because we have a markup in Transportation going on at this moment.

I first introduced this bill in the 104th Congress, and each succeeding Congress, it has attracted a bipartisan mix of cosponsors which represent both rural and urban districts and cover very diverse geographic areas. Similar legislation has been approved by unanimous consent in the full Senate during the 107th Congress, as well as the two previous Congresses.

I am going to shorten this substantially so there might be time for a question or two, if you would like.

The ADT is truly unique. It is the first trail to extend from coast to coast, also the first national trail designed to connect urban areas to wilderness areas. This multi-use trail itself creates a national system of connected trails and links large cities with majestic forests and remote desert landscapes.

I introduced this legislation because I believe that the ADT will provide outstanding family oriented recreational opportunities for all Americans, will serve as the transcontinental backbone of a growing national trail system by linking together a variety of local, regional, and national trails and making them more accessible.

I want to stress that the ADT very carefully takes into account private property concerns by routing almost all of the trails on public land. In fact, one of the basic principles on which the ADT has been developed, it has been to avoid routing it on private property and there is a prohibition against acquisition of land for purposes of the trail in the legislation.

There are only 88 miles of the entire route that is on private property, and that is just on a few areas. Only five States have a portion of ADT on private land. In two of those States, the figure is less than a mile, so mostly we are talking about utilities and other kinds of quasi-public lands. I go into some detail to explain the prohibition against the acquisition by eminent domain for purposes of this trail.

It has a wide degree of supporters. In fact, it is in place in many parts of the country, but not officially as a trail. We have had a huge volunteer effort, and I would like to recognize that one of the two Members of Congress, and I would say the member most responsible for the study of this trail years ago is sitting in the audience here, and that is our former colleague, Beverly Byron from Maryland, as she is responsible for the initial study which led to the feasibility and desirability of actually naming this as a new variety of trail.

Also, Mr. Reese Lukei is here. He is the ADT's national coordinator and he epitomizes the kind of volunteers that have pushed very hard for this important legislation. He will be testifying before you. From the beginning, he has been a tireless and energetic advocate for ADT and his impressive efforts certainly are reflective of many people who similarly supported the legislation.

Mr. Chairman and members of the Subcommittee and Mr. Chairman Hansen, I will just leave it at that, assuming that my full statement might be made a part of the record.

Mr. RADANOVICH. There being no objection, so ordered.

Mr. BEREUTER. I would be happy to answer any questions that there might be. Many of you have been exposed to this several times.

Mr. RADANOVICH. Thank you, Mr. Bereuter.

[The prepared statement of Mr. Bereuter follows:]

Statement of The Honorable Doug Bereuter, a Representative in Congress from the State of Nebraska, on H.R. 36

Chairman Radanovich, Delegate Christensen and members of the Subcommittee: I would like to begin by thanking you for giving me this opportunity to express my strong support for H.R. 36, the National Discovery Trails Act, which I introduced on January 3, 2001.

During the 104th Congress I introduced the first such bill and I have offered similar bills in each succeeding congress. The legislation has attracted a bi-partisan mix of cosponsors which represented both rural and urban districts and covered very diverse geographic areas. Similar legislation has been approved by unanimous consent in the full Senate during the 107th Congress as well as the previous two congresses.

It's easy to see why this legislation has attracted such widespread support. It represents the product of a true grassroots effort, and it is designed to provide a unique trail experience for millions of Americans. I believe that this legislation is a tremendously positive and exciting step forward in both the development and in the connection of trails in America.

The bill contains two important components: First, it creates a new category of trails, National Discovery Trails. This new category will complete a missing gap in the current National Trails System by establishing a link between urban and rural trails. Second, the legislation would designate the American Discovery Trail as the first trail in the new category.

The ADT is truly unique. It is the first trail to extend from coast-to-coast. It's also the first national trail designed to connect urban areas to wilderness areas. This multi-use trail itself creates a national system of connected trails and links large cities with majestic forests and remote desert landscapes. The ADT also links trails such as the Appalachian and the Pacific Crest with numerous local trails across the U.S. Along the way, it provides access to countless historic, cultural and scenic landmarks.

I introduced this legislation because I believe that the ADT will provide outstanding, family-oriented recreational opportunities for all Americans. It will serve as the transcontinental backbone of a growing national trails system by linking together a variety of local, regional and national trails and making them more accessible.

In addition, the ADT will offer important economic development benefits to the communities along its route. States and communities are also justifiably excited about the increased tourism opportunities which the ADT will present.

I also want to stress that the ADT very carefully takes into account private property concerns by routing almost all of the trail on public lands. In fact, one of the basic principles on which the ADT has been developed has been to avoid routing it on private property. The ADT is more than 6,000 miles long and almost entirely on public lands.

As it is proposed, only approximately 88 miles of the route is located on private property and then only in locations where there are existing rights-of-way or agreements with existing trails or by invitation. For example, the Iowa portion of the trail located on private property consists of a non-profit owned trail, the Hoover Valley Nature Trail. Only five states have a portion of the ADT on private land and in two of those states the figure is less than a mile.

Private property rights would be fully protected through language in the bill which mandates that "no lands or interests outside the exterior boundaries of Federally administered areas may be acquired by the United States solely for the American Discovery Trail."

I would also like to take a moment to mention the importance of the ADT in my home state. In Nebraska, the trail passes through Omaha, Lincoln, Grand Island, Kearney, North Platte, Ogallala and numerous small communities. Trails groups throughout the state have been energized by the ADT since they realize the important role they play in this unique national trail initiative.

Nebraska has a rich trails history and I am pleased that the ADT gives trails enthusiasts the opportunity to explore the most popular and significant of the pioneer trails to the West Coast—the Mormon Trail, the Oregon Trail and the California Trail—as well as the Pony Express Trail and the route of the first transcontinental railroad.

Additionally, I would highlight the City of Lincoln's trails efforts and how they relate to the ADT. Lincoln has shown a high level of enthusiasm for the ADT, which has become a focal point for the city's trails program. Lincoln's example demonstrates the kind of positive impact the ADT can have on communities throughout the nation. Lincoln's strong commitment to the development of trails will continue to pay dividends in the form of increased tourism, economic development and recreational opportunities for its citizens.

This testimony is an appropriate opportunity to acknowledge and commend Reese Lukei, Jr., the ADT's national coordinator. I understand that he will also testify before the Subcommittee in support of the legislation. From the beginning, Reese has been an energetic and tireless advocate for the ADT. His impressive efforts have certainly helped raise awareness about the trail and support for it.

Finally, I would conclude by mentioning that although the ADT is national in scope, this important trails project is made possible by the grassroots efforts on the state and local level. Enactment of this legislation is critically needed in order for the ADT to achieve its outstanding potential. With passage of this bill, we will help ensure that the ADT will offer benefits for generations to come.

Thank you for allowing me the opportunity to testify in support of H.R. 36.

Mr. RADANOVICH. I think what we will do is recess for a short time so that you and I and Jim can go vote and we will be right back. Thank you very much.

[Recess.]

Mr. RADANOVICH. We are back from our recess and we will begin the hearing. We will begin with the Honorable Jim Hansen from Utah, Chairman of the Full Committee. Jim, would you like to proceed?

The CHAIRMAN. I thank you, Mr. Chairman, and appreciate the opportunity to be with you. The gentlelady from Wyoming was right behind me and she said she wanted to hear my statement so she could hack it up, but I do not know where she is right now but I am sure she will be here and can read it. But if it is OK with you, Mr. Chairman, I will proceed.

Mr. RADANOVICH. Please do.

**STATEMENT OF THE HON. JAMES V. HANSEN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

The CHAIRMAN. I really want to welcome our witnesses who have traveled to be here today to give testimony on the Martin's Cove Land Transfer Act. I appreciate the efforts of Chairman Radanovich and the other members of the Committee who traveled to Casper, Wyoming, to hold a legislative field hearing on this bill. I am pleased that the process on this bill has been thorough. In fact, I understand, and you correct me if I am wrong here, that we have probably had more testimony and more witnesses on this particular piece of legislation than you have had since you have been Chairman, is that correct?

Mr. RADANOVICH. Yes, sir.

The CHAIRMAN. We will hear today about what took place at Martin's Cove. Since others will touch on the significance of what took place there, I will not spend time on the point here other than to say that what took place there is a truly remarkable and inspiring story of the LDS faith. Given its uniquely religious significance, it is difficult to conceive how the Federal Government could ever care for and interpret the land in a better manner than the Church and to give it the exemplary stewardship it deserves.

Every year, Congress struggles to appropriate adequate funds to underfund parks and public lands. I have been on this Committee for 22 years. I have chaired this Committee and I have chaired some of the Subcommittees and we have a huge backlog on our public lands of money. In fact, we are \$15 billion just in parks.

I do not know why it would be in the Federal Government's best interest to retain the financial stewardship responsibility for Martin's Cove when the Church is not only willing to tell the story on their own dime, but to allow all of the public to enjoy it and have access. We should be devoting the limited financial resources of the

Federal Government to priorities that are very broad, of national significance, such as our National Park System.

Those that are trying to make a fourth quarter attempt, such as the Sierra Club and other environmental advocacy groups, to portray Martin's Cove as broadly significant to anyone they can think of, and beyond that of what took place there to Mormon pioneers, need to explain where they have been. Where were they when Mormon volunteers spent literally tens of thousands of man hours making the site accessible, building trails, building footpaths and bridges across the river to the site? Where were they when the Church was spending its time and money to acquire the Sun Ranch in an effort to open up public access for everyone? Why did we not hear from them about how they would like to help with their time and their money because the site was of such broad significance to them as Americans?

The fact is that they were nowhere to be found because this site is not very significant to any group except the LDS Church.

It is certainly true that on the other side of the Sweetwater River, the historical trails that run through that area have broad national significance. No one would argue that. I have probably put more areas in trails than any other Member of Congress and they are very important to America. These trails, however, are already fully interpreted and deserve to have the significant Federal resources that are devoted to them.

No one should feel that if the Martin's Cove site is devoted to the interpretation of a single event, that this somehow undermines what took place by other great American pioneers along historical trails located really not too far from this site. In fact, a few years ago when serving as Subcommittee Chairman, I strongly supported a bill to provide Federal assistance to the National Historic Trails Interpretative Center in Casper, as you may recall, so that the other significant stories that took place in this area of our country would not go untold.

The point should be made, however, that prior to the Church's involvement in Martin's Cove, the BLM did not put up signs, it did not request funds, nor did it make any attempt to facilitate access across the privately owned Sun Ranch. I hasten to say, this is not the fault of the agency. Rather, it is a reflection of the fact that with over 75,000 sites on the National Register, it is simply impossible for the Federal Government to devote the resources necessary to care for and interpret each one. We just do not have the money, is what it amounts to.

This has been recognized by Congress. When I served as Chairman of this Subcommittee, we passed the National Historic Lighthouse Preservation Act, recognizing there are no nonprofits and community development organizations that could take title to National Registered lighthouses and care for them in the interest of the public without the Constitution of the United States collapsing around us.

Before I close, however, I would like to read a statement from the Ranking Member of the Full Committee, Mr. Nick Rahall, who cannot be here today and lends his support to this bill. He has asked me to read this for the record. "When all is said and done, I have become convinced that Martin's Cove will be better managed, more

accessible to the public, and its heritage and historical significance made more secure under the legislation sponsored by the gentleman from Utah, Mr. Hansen.”

I hope that we can have a thoughtful dialog here today and that we can separate the fact from the fiction for the benefit of the record. This is a good bill and I am convinced that when it is all said and done, people will understand the excellent stewardship that the LDS and will be pleased in the manner in which they will serve the public.

I would say, taking the gamble of being stoned to death by prophesying and being wrong, that in 5 years, this tempest in the teapot will be nothing. People will like it. It will do an awful lot for the people of Wyoming and they will be very pleased with the results. I can say that easily because every one the LDS Church has done has turned out that way.

Thank you, Mr. Chairman, for the time.

Mr. RADANOVICH. Thank you, Mr. Chairman.

I now turn the time over to Mr. Eni Faleomavaega from Samoa to make a statement.

Mr. FALEOMAVAEGA. Mr. Chairman, I would be more than happy to defer to Mrs. Cubin if she would like to have her opening statement and then I will follow her, if it is all right with you.

Mr. RADANOVICH. OK. Mrs. Cubin?

**STATEMENT OF HON. BARBARA CUBIN, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WYOMING**

Mrs. CUBIN. Thank you, Mr. Faleomavaega. I also want to thank Chairman Hansen for granting me a field hearing in Wyoming regarding Martin's Cove Land Transfer Act. There has been a great deal of interest in this legislation in my home State, both in support and in opposition. It was very important to me that my constituents, many of whom could not afford to travel all the way to Washington to attend a hearing, were allowed to have their thoughts and their suggestions on the record, and I sincerely thank you for that, Chairman Hansen.

I also want to thank Chairman Radanovich, Representative Rehberg, and Representative Faleomavaega, who took time out of their very busy schedules to visit my hometown of Casper, Wyoming. Two weeks ago, we attended a hearing on this issue in Wyoming. My constituents and I greatly appreciate your time, and you were so generous to provide this on a matter that is of such great importance to us, so thank you, Chairman Radanovich.

I also want you to know that Chairman Radanovich made that 4,000-mile trek the day before his son's birthday, and having two sons of my own, that is not lost on me, so thank you very much, gentlemen.

As anyone who has been involved in this issue is well aware, the Martin's Cove Land Transfer Act is an issue where emotions run unusually high. This bill has posed a very, very difficult decision for me in representing the people of Wyoming. I have always believed in the concept of trading, swapping, or selling Federal lands, but only if the result makes good sense for the people of Wyoming.

After a great deal of deliberation and fact finding, at the end of the day, it is my duty to represent the preponderance of support

in the State. The majority of my constituents do not support this legislation over concerns of access, policy, and, therefore, I cannot support this bill.

I could not have more respect for Chairman Hansen and the position he has taken. He, too, must represent the best interests of his home State and district and this legislation serves his constituency well.

I suspect this will not be the first time that many of the good and reasonable people of Utah and Wyoming disagree on an issue and it certainly will not be the last. We need only wait until the college football season begins so that Wyoming, Utah, and BYU can get in their annual border wars.

Chairman Hansen has fought courageously for Western issues for over two decades here in Washington and I have been on his side of the fence practically every time for over 7 years, from the Endangered Species Act to the wise use of our public lands. The Chairman has been a model Western Congressman and one that I try to emulate.

Having said that, this bill places me in an impossible situation. I oppose the bill properly to represent the interests of my constituents, but I feel it necessary to amend the bill with regards to access and other areas to ensure that the general public will always have access to the area if the bill becomes law. Let me explain.

The Sun family, who owned the ranch, the Sun Ranch, adjacent to the cove for over a century did not provide open and free access to all who wished to see the site. They charged a fee of \$30 many times to cross their private Sun Ranch to get to Martin's Cove. If one was healthy and adventurous, if they did not hate dirt, they could hike free of charge on public lands three miles around the private land on a small footpath and reach the site on foot, but unfortunately, you have to be healthy and able to do that. If you are elderly or with children, a round trip of six miles, it basically means there was no access to the Sun Ranch.

When the Church acquired these lands several years ago from the Sun family, they, for the very first time, freely opened their land to provide access to Martin's Cove, for which they deserve great credit. They worked with the Bureau of Land Management to develop a site with a walking trail, interpretative signs, gathering items of historical significance, not just related to the Mormon religion but from the entire region to be housed in an excellent visitors' center. We have been there to look at it and we know what is there and they have done a wonderful job.

In exchange for these improvements, the Church agreed to an access easement which would allow the general public to cross their private land in order to utilize the \$250,000 of improvements that were made by the BLM for things that they had done on the cove. This agreement will expire in March of 2000 [sic]. We all, I believe, owe a debt of gratitude to the Church for allowing free access across private lands to the general public in order to visit a site that they could not visit for 100 years.

But I do believe it is essential that an access amendment be put in this bill to ensure that access will be provided across both the Sun Ranch and through the newly acquired BLM lands holding the

cove. This amendment will guarantee future generations access to the area should the bill pass.

How can we best guarantee the general public will have access beyond 2004 when the access agreement expires? Will the Church allow access to continue across their lands if this date does not occur? We do not know. But either way, we certainly must respect their right as private property owners to do as they see fit with their property. So in the current situation, does the sale of Martin's Cove with an amendment that would provide access as a condition of the sale guarantee the good people of Wyoming permanent access that they do not now have? Maybe so.

My vote on this bill will not be about the LDS Church, which I greatly admire, but rather a vote to maintain the status quo in the management and maintenance of Martin's Cove for future generations to visit. I pledge to continue to do everything in my power to ensure that both the Church and members of the general public have every opportunity to visit this site and learn about the tragedy that occurred there. The cove represents an essential part of Wyoming heritage and a very tragic chapter in the history of the Church of Jesus Christ of Latter-day Saints.

Thank you, Mr. Chairman, and thank you for indulging me extra time.

Mr. RADANOVICH. Thank you, Mrs. Cubin.

May I turn the gavel over to Mr. Faleomavaega, please.

**STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, A DELEGATE
IN CONGRESS FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I want to thank you for holding this hearing today on H.R. 4103, a bill which would direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. Initially, too, I would like to offer my personal welcome to the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, Elder David Burton, and also Elder Staley representing the Church here this morning.

Mr. Chairman, at the request of Congresswoman Barbara Cubin, our Subcommittee on National Parks and Public Lands held a field hearing in Casper, Wyoming, on May 4 to ensure that the residents of Wyoming were given an opportunity to be heard on this matter. I was privileged to travel to Casper for the hearing and I even had the opportunity to accompany Congresswoman Cubin to actually visit Martin's Cove.

For the record, Mr. Chairman, I would like to note that this is not a Utah initiative. The people of Wyoming, mostly members of the Church of Jesus Christ of Latter-day Saints, initiated this effort out of respect for the unique events which figured prominently and singularly in the fate of the LDS Church. It is my understanding that more than 6,000 residents of Wyoming have signed a petition supporting this legislation and that even members of the Wyoming State Legislature have also expressed their support.

During the May 4 hearing, a representative of the Department of the Interior testified, and I want to note that they made some very constructive suggestions on how to improve the provisions of

the bill, and I believe these are matters that we should seriously consider.

Mr. Chairman, I am an original cosponsor of this legislation and I also want to note for the record that I am a convert member of the Church of Jesus Christ of Latter-day Saints and very proud of it.

As you are aware, the leaders of the LDS Church have expressed an interest to purchase Federal land known as Martin's Cove because of a tragedy that took place some 146 years ago. My understanding is that two handcart companies, the Willie and Martin Companies, were composed of almost 1,000 members of the LDS Church who immigrated from England and Holland. These people were not familiar with the harsh winters of the Midwest and were attempting to reach Salt Lake City, Utah, by means of pulling specially made handcarts across the plains, some 1,300 miles in my understanding, because most were poor and could not afford to purchase covered wagons and teams of oxen.

In October of 1856, these immigrants were caught in an early winter storm without sufficient food and clothing. Despite heroic efforts by LDS members and leaders who sent teams from Salt Lake City to locate and assist the two companies, over 200 men, women, and children died of starvation and freezing temperatures within the surrounding area that is now known as Martin's Cove.

I am aware there is some argument about what constitutes a burial site. There is even argument about the exact location where the people of the Willie and Martin Handcart Companies were buried. What we do know is that many of those who perished near Martin's Cove were wrapped in blankets and placed in piles and covered in snow because the ground was so frozen, graves could not be dug. Does this make the ground less significant or less sacred? I do not think so.

From the perspective of any thoughtful person, Martin's Cove is a burial site of historical and religious significance. Despite its recognized historical significance, the Federal Government has done little to facilitate public access to the site. It is my understanding that no access, highway notification, or facilities were available to the public until the LDS Church, in cooperation with the Sun family, purchased fee simple lands adjoining Martin's Cove in 1996.

Mr. Chairman, as far as I am concerned, any burial site is sacred ground, and if you want to talk about desecration of burial sites, one only needs to go to the Smithsonian Institution and you see thousands and thousands of human skeleton remains of Native Americans from sacred grounds that were uncovered by poachers and people who had no sense of appreciation of what it means when someone is dead and buried properly. This is something that we do understand and appreciate a little more.

Since 1996, the investment, the construction and operation of facilities necessary to accommodate the public on fee simple lands near Martin's Cove has been provided by the LDS Church, with trail development in the cove provided by the BLM with the assistance of volunteers from the Church. I want to commend the BLM for permitting treks across its lands from Sixth Crossing west to Rock Creek for working cooperatively with the Church in recent years to facilitate public access to this site.

It is unfortunate, Mr. Chairman, that some in the media have purposely chosen to malign the LDS Church because of its efforts to acquire Martin's Cove. I take issue with those who consistently refer to Martin's Cove as a national historic site. I believe those who continue to use this terminology are either misinformed or intentionally desire to mislead the public by suggesting that this bill would circumvent national policy or set historical precedent if the LDS Church acquired this land.

The fact of the matter is, there are only 118 national historic sites in the United States and Martin's Cove is not one of them. Martin's Cove is listed on the National Register of Historic Places. In contrast to national historic sites, there are more than 74,000 places listed on the National Register of Historic Places. Time and time again, the Federal Government has conveyed lands listed on the National Register of Historic Places to private entities. The LDS Church is simply asking for fair and equitable consideration.

The question has also been raised about setting a precedent for American Indians to purchase Federal lands for religious purposes. The fact is, Congress already has passed several pieces of legislation which transferred Federal lands to certain Native American Indian tribes because of the cultural and religious significance of those lands to the tribes. Congress has previously authorized the sale of public land to the Wesleyan Church in 1985. A similar sale of Federal land to the Catholic Church was authorized in 1988.

I might also add that Federal dollars were used to establish the Holocaust Museum in Washington, D.C., and rightfully so. This museum is a beautiful memorial to a people who have suffered cruelties beyond all comparison. When we talk about the extermination of six million Jews and what happened under the Nazis, I just could not, for me personally, Mr. Chairman, see a better way that we recognize this special facility that everybody has an opportunity to visit from all over the country and all over the world.

If there is ever a statement that I would like to make to anybody wanting to visit the Holocaust Museum, Mr. Chairman, there is probably one phrase that I will never forget and that is, "Never again." Never again, I hope to God that we will never have to repeat something like that again.

It is not unprecedented that the LDS Church seek to honor and to give special recognition to those who suffered and died in Martin's Cove. Martin's Cove holds special meaning to the LDS Church and its members because of those who lost their lives as they sought to escape religious persecution, bigotry, and intolerance.

Despite good faith efforts by both the BLM and the LDS Church to reach agreement on this matter through transfer or exchange of lands, these options have apparently not been possible under the circumstances. We are now deliberating a third possible option, and that is a fee simple purchase of some 600 acres of land. I believe it is only appropriate that the Congress support the sale of this land to the LDS Church with appropriate changes to the bill that will be satisfactory to both the LDS Church and the BLM.

Mr. Chairman, I wanted to thank our witnesses for giving their time to provide the public and members of this Committee additional information on this issue, and I also want to give my personal thanks to the senior ranking member of our Committee, the

gentleman from West Virginia, Mr. Rahall, for his support of this legislation.

Mr. FALEOMAVAEGA. Mr. Chairman, I would like to ask unanimous consent to submit for the record the statement of the Ranking Democrat of the Resources Committee, Mr. Rahall, in support of this legislation, H.R. 3858, which we will be hearing sometime later this morning.

Mr. RADANOVICH. There being no objection, so ordered.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Faleomavaega.

[The prepared statement of Mr. Rahall follows:]

**Statement of The Honorable Nick J. Rahall II, Ranking Democrat,
Committee on Resources, on H.R. 3858**

The New River Gorge National River in West Virginia was established by legislation I sponsored that was made part of the National Parks and Recreation Act of 1978. The national river consists of a 53-mile gorge segment of the river that contains world class whitewater rapids as well as scenic, historic and recreational features.

Since 1978, the boundary of the national river has been modified twice. The first boundary modification was made as part of the West Virginia National Interest River Conservation Act of 1988. This legislation provided for Federal designations of three tributaries of the New River, establishing the Gauley River National Recreation Area along 25 miles of the Gauley River and six miles of the Meadow River, and the 11-mile Bluestone National Scenic River.

As with the New River Gorge National River, the Gauley River National Recreation Area also contains world class whitewater rapids. In fact, last year the world whitewater rafting championships were held in the United States for the first time and the venue was the New and Gauley Rivers.

Finally, additional boundary modifications were made to the New River Gorge National River as part of the Omnibus Parks and Public Lands Management Act of 1996.

It is important to note that with the exception of the Bluestone National Scenic River, these Federally designated river segments were all primarily carved out from private lands. All Federal acquisitions have been on a willing buyer/willing seller basis.

It is also important to note that the New River Gorge National River is still a developing unit of the National Park System. As its popularity as a recreation destination increases, more pressure is brought on the resource values for which it was established. This certainly is nothing new, as many units of the National Park System are going through the same experience. But in the case of the New River, some of these pressures can be alleviated through boundary modifications such as those being proposed by H.R. 3853.

In general, the proposed boundary modifications would enhance the management and use of natural and scenic resources of the New River Gorge National River. The legislation would add 1,962 acres to the park unit. The additions consist of six tracts of land held by five owners, all of which are willing sellers.

The tracts of land are as follows:

- New River Adventures Resort (389 acres) -- This tract consists of steep forested slopes on the West side of the gorge immediately North of the current boundary. The parcel would contribute to the protection of the scenic values of the New River, as well as those of Hawk's Nest State Park, which is directly across the gorge from the northern portion of the tract.
- Alabama Properties (259 acres) -- This tract of land is an extension of a tract held by Alabama Properties that is already within the national river's boundary. It is also steep and wooded, and lies directly across from the New River Adventures Resort tract.
- Nuttall Estate (52 acres) -- These are two small parcels (22 and 30 acres). Acquisition of these tracts will alleviate parking and trespassing issues associated with an extremely popular rock climbing site. Adequate parking does not exist along the rim of the gorge to accommodate the volume of vehicles used to access the rock climbing areas.
- Berwind Land Company (649 acres) and Rush Creek Land Company (613 acres) -- These two tracts of land are adjacent to each other and provide an oppor-

tunity to include in the national river flat land on the gorge rim that would alleviate potential development problems with the nearby communities of Oak Hill and Fayetteville. A golf course was recently built in the area and small subdivisions are beginning to occur along the Salem–Gatewood Road which connects the rural area between these two towns. In addition, with respect to the Berwind tract, there is a trail that zigzags in and out of the property from Kaymoor Top to the Kaymoor Bench level. In order to continue maintaining this trail for public use it should be included in the boundary of the national river. With respect to the Rush Creek tract, the national river boundary currently drops below the gorge rim in this location. This was probably an oversight when the original boundary was drawn as the intent was to provide at a minimum rim-to-rim lands within the national river. However, this area contains a section approximately one mile long where the top of the gorge walls are not inside the boundary.

The bill also includes a provision aimed at settling an encroachment situation in the vicinity of Beauty Mountain. Property owners Scott and Mary Robertson have a tract of land immediately adjacent to the national river boundary. The Robertsons constructed a house on this tract. However, half of the house now lies on land within the national river boundary. The National Park Service purchased the tract of land within the boundary from another private landowner after construction had begun on the Robertson house (the basement was already in place). The National Park Service proposes a land exchange with the .30 of an acre of encroached property being transferred to the Robertsons and the Robertsons transferring .30 of an acre of their property to the National Park Service. This would be a fee simple exchange.

Mr. RADANOVICH. Any other members wishing to make an opening statement?

[No response.]

Mr. RADANOVICH. With that, we will go on to our first panel, which includes the Honorable Tom Fulton, Deputy Assistant Secretary for Land and Minerals Management from the Department of the Interior, and also Ms. Katherine Stevenson, Associate Director of Cultural Resources Stewardship and Partnerships of the National Park Service, Department of the Interior, in Washington.

Lady and gentleman, welcome to the Committee. Mr. Fulton, if you would like to begin your testimony, that would be great. Please keep in mind that we do like testimonies to be under 5 minutes, so observe the traffic lights that you will see at your table there. Thank you. H.R. 4103

STATEMENT OF TOM FULTON, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C.

Mr. FULTON. Thank you, Mr. Chairman, and thank you, Chairman Hansen, for this opportunity to offer the administration's view of H.R. 4103. I ask that my statement be entered into the record as if read and I will attempt to summarize.

Mr. RADANOVICH. There is no objection, so ordered.

Mr. FULTON. Thank you. The Department of the Interior supports the goals of H.R. 4103, the Martin's Cove Land Transfer Act. However, the Department has concerns with the bill but would like to work with members of the Subcommittee to address them.

Martin's Cove has, as others have mentioned, been listed on the National Register of Historic Places. It is significant and the Department is proud of the 262 million acres that it manages and there are a lot of significant sites that it does manage.

Martin's Cove is located near the confluence of four national historic trails, the California, Oregon, Mormon Pioneer, and Pony Ex-

press, all of which pass within a mile of the Martin's Cove site. All of these are administered by the National Park Service in cooperation with BLM under the provisions of the National Trails System Act.

The 1,640-acre parcel that is proposed here in this bill for conveyance contains portions of the Tom Sun Ranch National Historic Landmark and is contiguous to private lands. The site includes unmarked emigrant graves, as well as historic emigrant camp locations, as well as archaeological remains of Native American prehistoric sites.

Martin's Cove is an important part of the history of the westward emigration of America and it is particularly important to the descendants of the Mormon pioneers who traveled through it. It is a symbol of the extreme hardship suffered by many seeking a better way of life, traveling across the continent. For many, the Mormon handcart tragedy stands out as a single devastating event that shaped a culture that traveled along the Oregon, the Mormon Pioneer, the California, and the Pony Express National Historic Trails.

The Department recognizes the unique significance of Martin's Cove to the Church and understands and supports the intent of this proposed legislation to enable the Church to manage the site's historic resources through educational and recreational opportunities for all members of the public.

First, the Department believes it is important to pursue an approach that ensures continued public access and resource protection within Martin's Cove in perpetuity. Given the existence of public trails on the site, we recommend that before a transfer of title, a conservation easement be placed on the lands proposed for conveyance to protect the existing geological and historical resources of the area. In addition, a perpetual public access easement should be considered as part of any conveyance that would allow for continued public access to the area. The Department would also recommend inclusion of a revisionary clause for the Federal Government in order to ensure that the site will be protected should the Church desire to discontinue ownership or management of it in the future.

Second, the Department believes the legislation should attempt to direct revenues received from the transaction back into the resource in order to further benefit the public's appreciation and enjoyment of the trails and facilities in the area. Terms such as these would allow for private ownership by the Church, provide long-term protection of the resources, and retain public access to the site.

Third, the Department is concerned that the lands conveyed represent only those that are absolutely necessary to accomplish the objectives of the Church and the public. Toward that end, we commit to work with the Committee to ensure that the proposed conveyance is confined to the smallest area compatible with the proper care and management of the resources sought to be protected.

An appraisal of this property should be based on conventional appraisal standards to provide a sound basis for value. The proposed legislation includes procedures that may need clarification to allow for smooth conveyance of the property and we would be pleased to work with the Committee on these.

Additionally, it is unclear whether the Federal Government will be reimbursed for past improvements in addition to receiving fair market value. This should be clarified to ensure fair reimbursement to the taxpayers. Finally, as is standard practice, the mineral estate should be reserved to the Federal Government.

The Department is concerned that H.R. 4103 could be viewed as creating a precedent for conveying ownership of historic or pre-historic public sites that are deemed sacred to a particular group or culture. We are concerned and want to ensure that this legislation not establish a precedent for similar land transfers in the future, and we want to work closely with the Committee to address this concern.

If crafted with these elements in mind, the Department believes this legislation provides benefits for the public while accommodating the historical and cultural assets of the site.

Thank you for the opportunity to testify, and I will take any questions you might have. Thanks.

Mr. RADANOVICH. Thank you very much, Mr. Fulton.

[The prepared statement of Mr. Fulton follows:]

Statement of Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, on H.R. 4103

Thank you for the opportunity to provide testimony regarding H.R. 4103, a bill to direct the Secretary of the Interior to transfer certain lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, of the Church of Jesus Christ of Latter-day Saints ("Church"). H.R. 4103, the Martin's Cove Land Transfer Act, involves 1,640 acres of public lands managed by the Bureau of Land Management (BLM) located 60 miles southwest of Casper, in Natrona County, Wyoming. The Department supports the goals of H.R. 4103. However, the Department has some concerns with this bill and would like to work with the Subcommittee to address them.

Background

Martin's Cove was listed on the National Register of Historic Sites in 1977. It is significant because in 1856, Mormon pioneers traveling west pushing handcarts were trapped by a severe early winter snowstorm at Martin's Cove and it is estimated that between 135 and 150 of the pioneers perished. Martin's Cove is located near the confluence of four National Historic Trails, the California, Oregon, Mormon Pioneer and Pony Express trails, which all pass within a mile of the Martin's Cove site. All of these trails are administered by the National Park Service, in cooperation with the Bureau of Land Management, under the provisions of the National Trails System Act. The 1,640-acre parcel proposed for conveyance by this legislation contains portions of the Tom Sun Ranch National Historic Landmark and is contiguous to private lands. The site includes unmarked emigrant graves, as well as historic emigrant camp locations and some archeological remains of Native American prehistoric sites.

Martin's Cove is an important part of the history of the westward emigration across 19th century America, and it is particularly important for the descendants of the Mormon pioneers who traveled through it. It is a symbol of the extreme hardship suffered by many who sought a better way of life by traveling across the continent. For many, the Mormon Handcart Tragedy stands out as a single devastating event that shaped a culture that traveled along the Oregon, the Mormon Pioneer, the California, and the Pony Express National Historic Trails.

The Department recognizes the unique significance of Martin's Cove to the Church and understands and supports the intent of this proposed legislation to enable the Church to manage the site's historic resources through educational and recreational opportunities for all members of the public.

Public Access and Benefits

First, the Department believes it is important to pursue an approach that ensures continued public access and resource protection within Martin's Cove, in perpetuity. Given the existence of public trails on the site, we recommend that, before any transfer of title, a Conservation Easement be placed on the lands proposed for conveyance to protect the existing geological and historical resources in the Martin's

Cove area. In addition, a perpetual public access easement should be considered as part of any conveyance that would allow for continued public access to the Martin's Cove area. The Department would also recommend inclusion of a reversionary clause to the Federal Government in order to ensure the site will be protected should the Church desire to discontinue ownership or management of it in the future.

Second, the Department believes the legislation should attempt to direct revenues received from the transaction back into the resource in order to further benefit the public's appreciation and enjoyment of the historic trails and facilities in the area. Terms such as these would allow for private ownership by the Church, provide long-term protection of resources, and retain public access to the improvements at the site.

Third, the Department is concerned that the lands conveyed represent only those that are absolutely necessary to accomplish the objectives of the Church and the public. Toward that end, we will work with the Committee to ensure that the proposed conveyance is confined to the smallest area compatible with the proper care and management of the resources sought to be protected.

Appraisal Process, Funds, and Mineral Estate

An appraisal of this unique historic property should be based on conventional appraisal standards to provide a sound basis for value. The proposed legislation includes procedures that may need clarification to allow for a smooth conveyance of the property and we would be pleased to work with the Committee on these.

Additionally, it is unclear whether the Federal Government (BLM) will be reimbursed for past improvements in addition to receiving fair market value for the lands, and this should be clarified to ensure a fair reimbursement to the taxpayers. Finally, as is standard practice, the mineral estate should be reserved to the Federal Government.

Potential Precedent-Setting Issues

The Department is concerned that H.R. 4103 could be viewed as creating a precedent for conveying ownership of historic or prehistoric public sites that are deemed sacred to a particular group or culture. We are concerned and want to ensure that this legislation not establish a precedent for similar land transfers in the future, and we want to work closely with the Committee to address this concern.

Conclusion

If crafted with these elements in mind, the Department believes this legislation could provide absolute positive benefits for the public while accommodating the historical or cultural interests of a private group or foundation. Thank you for the opportunity to provide testimony on H.R. 4103. This concludes my testimony and I will be pleased to answer any questions the Subcommittee may have.

Mr. RADANOVICH. We are going to go on to our next witness, and then after that open up the panel for questions. Keep in mind, we do have three bills here that we are hearing, and here to speak to the other two bills, H.R. 36 and H.R. 3858, is Ms. Katherine Stevenson with the National Park Service. Katherine, welcome, and please begin your testimony. Keep within the 5 minutes and tell us all about these two bills and your positions on them.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C.

Ms. STEVENSON. Yes, sir. Thank you very much. Thank you for the opportunity to provide testimony on H.R. 36 and H.R. 3858. If I may, I would like to summarize my comments and submit the full text for the record.

H.R. 36 would amend the National Trails System Act to add a new category of trails and would designate the American Discovery Trail as the first national discovery trail. The Department supports the concept of creating a new category of national discovery trails.

With regard to the section of the bill that would designate the American Discovery Trail, the Department recommends that the Committee defer action on this designation. The Department believes that we need to continue to focus our efforts on the maintenance backlog ahead of other priorities.

We have concerns with restructuring the National Trails System Act to accommodate H.R. 36's amendments. The existing Act is already complex and very difficult to follow. The Department recommends the provisions as detailed in the Senate version of this bill, S. 498. Specifically, we have concerns about the administrative challenges primarily to State and local governments contained in Sections 7(A)(a) and 7(A)(b). While we support very strongly protecting the rights and interests of local landowners, we believe that the existing processes followed by trail administrators, partner organizations, and State and local governments adequately protect these interests.

The intent and purpose of Section 7(A)(d) regarding the prevention of trespass on private land is already found in Section 7(H)(1) of the National Trails System Act. Finally, we believe the proposed authority in 7(A)(e) regarding rights of way is covered in Section 9 of the National Trails System Act.

We would be pleased to work with you to address these issues.

As far as H.R. 3858, it would expand the boundary of New River Gorge National River by approximately 1,960 acres and would exchange one-quarter-acre of private land with an adjacent landowner. The Department supports the land exchange but requests that Congress defer action on the boundary expansion until additional planning is completed. No public involvement has been engaged regarding acquisition of these lands and we would like to make sure that that happens.

This concludes my prepared remarks. I would be happy to answer any questions you might have.

Mr. RADANOVICH. Thank you very much.

[The prepared statements of Ms. Stevenson follows:]

Statement of Katherine Stevenson, Associate Director, Cultural Resources Stewardship and Partnerships, National Park Service, U.S. Department of the Interior, on H.R. 36

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 36. This bill would amend the National Trails System Act by adding an additional category of trail known as the national discovery trail and by designating the American Discovery Trail as the first national discovery trail.

The Department supports the concept of creating a new category of national discovery trails. We have some concerns with H.R. 36 regarding the restructuring and renumbering of the existing National Trails System Act to accommodate the amendments relating to the new category of national discovery trails, and the special requirements for national discovery trails stated in the new Section 7A. The Senate passed a similar bill, S. 498, on August 3, 2001, to the National Trails System Act. The Department supports the provisions on the new category of discovery trails in S. 498 as passed by the Senate, and recommends the committee adopt this language.

With regard to the section of this bill that would designate the American Discovery Trail as a national discovery trail, the Department recommends that the Committee defer action on this designation during the remainder of the 107th Congress. The Department has reviewed our progress on the President's Initiative to eliminate the deferred maintenance backlog, and it is clear that we need to continue to focus our resources on caring for existing areas in the National Park System.

The American Discovery Trail (ADT) was proposed in 1990 as a continuous mid-continent, coast-to-coast trail to link metropolitan areas to the nation's major long-

distance trails, as well as to shorter local and regional trails. The ADT's founders envisioned the trail to be the strong backbone of America's National Trails System.

In October 1992, through P.L. 102-461, Congress directed the Secretary of the Interior to study the feasibility and desirability of adding the ADT to the National Trails System. This study was completed in December of 1995 and submitted to Congress in 1998. The approximately 6,356-mile route of the ADT, as described in this legislation and mapped in the feasibility study, extends from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California. The ADT crosses the states of Nevada, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, a bit of Kentucky, West Virginia, Maryland, and the District of Columbia.

By far the most controversial issue associated with National Trails System is trail and trail corridor protection and, specifically, Federal land acquisition. The organizers of the ADT recognized this early on and located this trail to minimize its impact on private lands. It is our understanding that there are only a handful of private parcels crossed by the trail, and these occur where an underlying trail already exists, such as the Buckeye Trail in Ohio. Local and state jurisdictions should hold the primary responsibility for protecting and enhancing the ADT and its corridor on both sides.

The National Park Service administers or helps administer 17 of the nation's 22 national scenic and historic trails. They range in length from 54 to 5,600 miles. Operating costs range from \$25,000 to over \$720,000 per year. Because of its length and complexity, costs for the ADT will fall somewhere in the middle of this range. The feasibility study team estimated the trail's comprehensive management plan would cost approximately \$360,000 over several years, and that annual Federal operating costs of the trail as a national discovery trail will be about \$400,000 a year. Additional costs would be incurred by the Bureau of Land Management and the Forest Service for the management of the portions of the trail under their jurisdiction. There should be no land acquisition or protection costs for the Federal Government, since responsibility for trail corridor protection lies with state, local, and nonprofit partners. It should be noted that authority already exists within the National Trails System Act to appropriate any necessary funds to support this trail, or other trails created as national discovery trails. Funding for this addition to the National Trails System is not currently assumed in out-year budget estimates. Establishment of this new trail, even if authorized by Congress, would be contingent on Administration priorities and available resources. Because of our concerns about costs, as mentioned above, the Department recommends that the committee defer action on the section of the bill that designates ADT.

We do believe that the National Trails System can be improved at this time by adding this new category of discovery trails, which links America's cities together, opens trails to a variety of users (as determined by local conditions), and relies on a relationship of equals between the Federal Government and a nonprofit partner. However, such trails must be limited to those that meet specific requirements and are of national interest and significance.

The new category of national discovery trails would further the goals of the National Trails System in several significant ways—ways that help update the system to reflect current popular and political realities. The proposed national discovery trails would

- 1) link America's long-distance trails to a variety of cities and towns, thereby providing population centers direct access to our nation's remarkable trails system;
- 2) welcome into the National Trails System a new category of trails for which the primary responsibility for protecting and maintaining these trails lies not with the Federal Government, but with others;
- 3) allow landowners adjacent to the trail the discretion of changing or protecting already existing land-use activities. No land acquisition or changes in land use on private lands near the trails would be required or expected on a national discovery trail, since most of the trail already exists as part of other trails or roads;
- 4) be built largely upon existing trails and trail systems, thereby eliminating the need for Federal acquisitions; and
- 5) require that an effective private-sector partner is present from the start, rather than following designation. It is our experience that trails created without such partners tend to flounder and do not serve the public well. In this case, the nonprofit partner would shoulder much of the coordination and certification responsibility which, in the past, has fallen to the Federal Government in caring for long-distance trails created under the National Trails System Act.

The Appalachian Trail was the model and impetus for the National Trails System. When that trail was established as a national scenic trail in 1968, it was well-supported by a vibrant nonprofit organization, the Appalachian Trail Conference, with thousands of members and decades of trail-building and maintaining experience. For the National Park Service, helping protect and administer the Appalachian Trail from the beginning has been a mutual partnership, with both the conference and the service offering their skills and strengths to keep the trail viable and intact.

Some of the trails subsequently established as part of the National Trails System have not had (and still do not have) strong partner organizations. In some cases, the Federal agency administering a trail has had to wait for such a group to get started or to assist in organizing it. Trail partnerships are essential to the well-being of the National Trails System. Both H.R. 36 and S. 498 clearly state that the national discovery trails shall be administered by the appropriate Secretary in cooperation with at least one competent trailwide volunteer-based organization.

We have concerns with the restructuring of the National Trails System Act (Act) to accommodate H.R. 36's amendments to create a new category of national discovery trails. The existing Act is already complex and difficult to follow. Every effort should be made to streamline it.

Further, we have concerns about the special requirements in the new Section 7A that is proposed to be added to the National Trails System Act. Section 7A(a) provides authority for designating national discovery trails on Federal and non-Federal lands. However, Congress is responsible for designating national discovery trails, and the Secretary implements this action by recognizing segments as part of a designated trail based upon agreements reached with local trail support groups. We believe that trail administrators, their partner organizations, and affected landowners can negotiate these agreements in everyone's best interests and should not be burdened by requirements that increase the cost and number of agreements that are reached.

The notice requirement required by the new Section 7A(b) could be problematic as a database of thousands, if not millions, of addresses would need to be kept up-to-date to reach all affected landowners, communities and other stakeholders for proposed trails. Section 7(a)(2) of the National Trails System Act already protects the integrity of adjoining land users by requiring the Secretary to minimize any adverse effects upon the adjacent landowner in selecting rights-of-way for trails. The Secretary is also required to harmonize and/or complement already established multiple-use plans for a specific area. Thus, we believe the new Section 7A(b) and (c) are unnecessary.

The basic content of the new Section 7A(d) concerning the prevention of trespass of private lands is already found in Section 7(h)(1) of the National Trails System Act. This section of the law requires that— . . . the appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage . . . the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use." Because this section already covers that recommended by the new Section 7A(d), we believe the new section is unnecessary.

Finally the proposed authority in the new Section 7A(e) concerning rights-of-way is confusing given the existence of Section 9 of the National Trails System Act that currently addresses this issue.

We would be glad to work with the Committee to resolve these concerns. We suggest adoption of the language in S. 498. It is clear and does not alter the existing structure of the National Trails System Act.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

Statement of Katherine Stevenson, Associate Director for Cultural Resources Stewardship and Partnerships, National Park Service, U.S. Department of the Interior, on H.R. 3858

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 3858, a bill to expand the boundary of the New River Gorge National River by 1,962 acres and to exchange approximately 7 acre of private land with an adjacent private landowner.

The Department is unable to support H.R. 3858 in its entirety at this time. The Department would ask that Congress defer action on subsection (a), regarding a boundary adjustment, until additional planning addressing the acquisition and costs of additional lands at New River Gorge National River has been completed. The

Department does however support subsection (b) of H.R. 3858 as it provides for an even land exchange involving no cost or nominal cost.

This legislation proposes to adjust the boundary of New River Gorge National River to include seven tracts of land encompassing 1,962 acres. The addition of these lands within the park's boundary would complete the rim-to-rim acquisition of lands on both sides of the gorge, permanently protecting its outstanding scenery in accordance with the legislation that originally designated the park. However we have not yet completed a formal study with public involvement to determine the appropriateness of including these lands within the park.

The last provision of this bill proposes a land exchange and boundary modification with an adjacent local landowner for a parcel of land, approximately 1 acre in size, of equal value and equal size. This resolves an issue of private property encroachment and as a result the boundary is slightly altered, but there is no net change in the authorized acreage.

New River Gorge National River was established in 1978 to conserve and protect 53 miles of the New River as a free-flowing waterway. This unit of the National Park System encompasses over 70,000 acres of land along the New River between the towns of Hinton and Fayetteville. The park and surrounding area are rich in cultural and natural history, with an abundance of scenic and recreational opportunities. The New and Gauley Rivers offer world-class whitewater boating, rock climbing, and fishing. The New River Gorge Bridge is the longest single span arch bridge in the world, and the second highest bridge in the United States. The New River Gorge has the most diverse assemblage of plant species of any river gorge in the southern Appalachians, it possesses considerable animal diversity, and is the state's leading warm-water fishery. Cultural resources include significant archeological sites as well as 19th and 20th century historic resources, towns, and commercial centers related to mining and transportation of coal, that played an important role in America's industrial history. New River Gorge National River is located within the National Coal Heritage Area (1996), and the New River is one of 14 rivers designated an American Heritage River (1998).

All of the lands included in the proposed boundary adjustment are currently under private ownership and we understand that all six private landowners are willing sellers. Two of the tracts proposed for inclusion contain approximately 648 acres of steep, wooded slopes within the gorge, and are adjacent to Hawk's Nest State Park. The two other parcels, totaling 52 acres, provide access to an area that is heavily used by rockclimbers and other visitors. The remaining two parcels would add 1,262 acres along the rim of the gorge. Completion of the planning process at New River Gorge National River will ensure that there is adequate public review regarding our land acquisition needs.

As you know the Department is committed to the President's Initiative to eliminate the National Park Service's deferred maintenance backlog. The planning process would also address the land acquisition, operations, and development costs of the lands proposed for addition. We estimate that the addition of 1,962 acres within the boundary would require no less than \$2 million in additional land acquisition funds. It is possible that several of the tracts of land proposed for acquisition would be maintained in an undeveloped condition and therefore have minimal administrative costs associated with them. However one tract may require some development to provide adequate accommodation for the high levels of public use.

Thank you for the opportunity to comment. This concludes my prepared remarks. I would be glad to answer any question that you or members of the subcommittee might have.

Mr. RADANOVICH. I will turn to other members of the panel to determine if there are any questions that need to be asked of either of the witnesses. Mr. Hansen?

The CHAIRMAN. Thank you, Mr. Chairman.

Mr. Fulton, I noticed in your comments you basically had four concerns. One was continued public access, one was land conveyed, one was appraisal, and one was past improvements. What past improvements have you folks done?

Mr. FULTON. It is my understanding that we have worked cooperatively with the Church on access issues through the Sun Ranch and I think those are what the BLM is addressing here.

The CHAIRMAN. Is it not the policy of the BLM that if an entity, such as the Church, in this position, and I am sure they would not bring this up, but I would, who has put in time and effort themselves, does the BLM consider that as an offset to anything?

Mr. FULTON. Well, what the BLM—

The CHAIRMAN. I mean, if they have suggested it, they have recommended it, they have thought it should be done, do they consider that an offset to the selling process?

Mr. FULTON. They would consider those inputs from interested partners as a valuable piece of what is being attempted. The dollars are limited. The BLM and the administration look for partnerships. The Church is a very valuable partner in this process and we would want that relationship to continue and to grow.

The CHAIRMAN. You know, in this Committee, we have held in the last 20 years maybe 15 to 20 hearings on trades, swaps, sales. The most frustrating fudge factory I have ever been involved in is trying to move Federal ground, and it usually ends up done by legislation. What do you think that you and the new Director ought to work with us in coming up with a better way to do these things?

Mr. FULTON. I absolutely agree and we would be very excited to work with the members of the Committee in doing just that. The Southern Nevada Lands Act is a way of doing business in Southern Nevada. Land management in the BLM is a dynamic process. We are looking into it. We want to explore innovative ways of making sure that we are providing the best management and sometimes actually selling those properties may be the best thing to the public and for the long-term future of that particular piece of property. So we want to look at a wide variety of opportunities and would be excited to work with the Committee.

The CHAIRMAN. I am glad to hear you say that, because I would say that if I went back and looked at our inventory in this particular committee right now, we would have close to 30 people wanting to make land exchanges with the BLM or the Forest Service. It is the most frustrating experience we have around here, and we end up doing it this way, by legislation. And really, it could be done very smoothly, very adequately by the BLM, by the Forest Service, by the Park Service, by Reclamation, and I always keep wondering, why are we always involved in these things? Anyway, we will call on you to do that and thank you for letting me say that. I appreciate your response.

Thank you, Mr. Chairman.

Mr. FULTON. Thank you.

Mr. RADANOVICH. Thank you, Mr. Chairman.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. Fulton, you are the expert on all Federal laws with reference to something like this and I kept using this word "precedent" and you also expressed concern about setting up a precedent. Can you elaborate on what you meant by this? Are you suggesting that this is the first time ever that something like this has transpired in terms of the sale of lands to a nonprofit organization, whether it be a Church or some other—

Mr. FULTON. No, not at all. There is a great deal of public interest in what is being proposed in this bill and the administration

supports the goals of this bill. However, it wants to clarify that what is being proposed in this bill is not, in fact, a precedent. So there is, given the public concern and the great interest in the bill, we want to ensure that it is absolutely clear that this is something we favor. We want to do it, we want to do it right, but that it does not necessarily set a precedent.

Mr. FALCOMA. I sure appreciate that. I remember in the hearing that we held on May 4 in Casper, one of the witnesses also brought out that the Federal Land Policy and Management Act that was passed, that certain provisions of this law violate the intent of this legislation. Can you comment on that? Are there any provisions under FLPMA that violates what the intent of this legislation wants to do?

Mr. FULTON. Not that I am aware, sir. I am certainly not—I am not an attorney, which I take some pride in—

[Laughter.]

Mr. FALCOMA. I am not an attorney, either.

Mr. FULTON. I cannot tell you that I am aware of any conflict in FLPMA, which is the organic act governing the BLM, and what is being proposed here.

Mr. FALCOMA. I remember also that Ms. Kimball, who testified at our hearing in May, also suggested the provision in the bill to include a reversionary clause—is the Department still firm on that issue?

Mr. FULTON. Yes. The Department feels that it is important that there be absolute unfettered public access to the site in perpetuity. We want to work with the Church to ensure that. However, if that is not the case at some future date, we would ask that it revert back.

Mr. FALCOMA. Is this the standard policy of BLM on all the lands transacted under similar circumstances, that a reversionary clause be included in every sale of land that we do with the Federal Government?

Mr. FULTON. No, I do not think so. I think that we have flexibility in how we approach these matters and each one has its own peculiar circumstances surrounding it and we want to explore opportunities for partnering up. Again, we have limited dollars to administer these 262 million acres as America's largest land manager and we have to look for partnerships, and when we do, we have to do it in a way that makes sense and serves the highest public purpose.

Mr. FALCOMA. So if I have a nonprofit organization and I want to purchase certain lands in Casper, Wyoming, Federal land, to set up a winery or an orchard so I could set up a winery there in Wyoming, will that be possible in doing negotiations with the BLM, to sell me lands through a nonprofit organization?

Mr. FULTON. Well, you could certainly come visit us about it and we could talk about it, although I do not know that a winery in Wyoming would—I mean, it is quite possible, I suppose.

Mr. RADANOVICH. There is a winery in Wyoming.

Mr. FULTON. There is? Wonderful.

[Laughter.]

Mr. FALEOMAVAEGA. I say this kiddingly, but in all seriousness, I was going to invite the Chairman to join me in this partnership, but thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you, Mr. Faleomavaega.

I recognize Mrs. Cubin from the great State of Wyoming.

Mrs. CUBIN. Thank you, Mr. Chairman.

I wanted to discuss the appraisal issues for just a moment. Some people have suggested that the appraisal for the land should occur before this bill is enacted rather than after, and with all the discussions that the BLM and the Church have had over the past 5 years regarding the land transfer and the price, does the BLM have a reasonable idea of how much this land is worth?

Mr. FULTON. No. I think that the valuation of the land will be a fairly complicated matter and I would not have any expert knowledge on how they would arrive at a valuation other than it would be the goal to do a fair market value, but there are technical experts inside the BLM who would be charged with doing that.

Mrs. CUBIN. It seems to me that—I do not need to tell you this, but I want to say it for the record—that it would be very difficult to put a price tag on this piece of land because there is historical value, value to the Church and obviously value to other people, too, who oppose this. There are no comparables. So what all should be taken into consideration in determining fair market value? It should be the price per acre plus the historic value plus archaeological and antiquities value. What all should be added into that appraisal so if this occurs, we do get everything we should from it?

Mr. FULTON. Well, there is a realty office within the BLM and it would be those individuals who have done land trades, land sales, land exchanges in the past who would be tasked with arriving at a fair market value. If the bill becomes law, then that is exactly what we will do.

Mrs. CUBIN. We have had in our local press an article talking about a study that was done by the BLM that criticized some of the things that—

Mr. FULTON. The Park Service. The Park Service.

Mrs. CUBIN. Oh, it was the Park Service. OK. Thank you.

[Laughter.]

Mrs. CUBIN. By the Park Service that criticized some of the changes and some of the upgrades, frankly, because I am here to tell you that it certainly still does look like a historic site and it is not as if it, in my humble opinion, it certainly looks like the integrity of the historical site has been preserved.

But I have to tell you, I had a lot of trouble with the Clinton policies, both with BLM and Park Service, so I am not sure that I can now use them as my bible in opposing this bill, but I would like to know, what was that based on? What criticisms were there?

Ms. STEVENSON. Actually, this is something I just learned about yesterday, so I have nothing to offer you.

Mr. FULTON. Madam Chair, I am sorry. I probably should have attempted to answer that question on behalf of another bureau within the Department of Interior, and I will take a stab at it if I could.

I believe that this report was done sometime in the year 2000 and it has been available and there has been very little public

comment on it until this bill was introduced. It simply will be an item that the Bureau of Land Management will take a look at as we will take a look at all others who wish to comment on this matter. It is a BLM issue and the BLM will move forward if this bill becomes law and we will take advice or comment from any who wish to give it.

Mrs. CUBIN. Last question, when a site like Martin's Cove is listed on the National Register, which, as Representative Faleomavaega has represented, is a totally different thing than people have been talking about, a national historic site, what kind of restrictions are there in terms of maintaining and restoring the land and the buildings?

Mr. FULTON. That one is one that the Park Service would like to address.

Mrs. CUBIN. OK.

Ms. STEVENSON. There are no restrictions whatsoever, except on Federal agencies. There are no restrictions on private landowners, and the only restriction on Federal agencies is contained in Section 106 of the National Historic Preservation Act and that requires Federal agencies to take under consideration the effect that the changes that they make or propose to make will have on the historic property, in consultation with the State and the Advisory Council on Historic Preservation.

Mrs. CUBIN. Thank you, Mr. Chairman. My time is expired.

Mr. RADANOVICH. Thank you very much, Mrs. Cubin.

Are there any other questions of the witnesses?

Mr. UDALL OF NEW MEXICO. Thank you, Mr. Chairman.

In light of Mr. Faleomavaega's question on wineries, I think maybe we should put in the record the number of Mormon-owned wineries on Federal land.

[Laughter.]

Mr. UDALL OF NEW MEXICO. I think Mr. Hansen now would know that number. It is probably zero.

Mr. RADANOVICH. I would say, though, we found out recently that there are wineries in all the 50 States.

Mr. UDALL OF NEW MEXICO. Let me just ask a couple of questions here. Mr. Fulton, your testimony states that the size of the proposed land sale should be "confined to the smallest area compatible with the proper care and management of the resources." How many acres would be the smallest area, in your opinion?

Mr. FULTON. I would leave that up to the experts in the BLM, and if the Committee would like a response to that, I could certainly ask the BLM to provide that.

Mr. UDALL OF NEW MEXICO. Sure. I would like it. I do not know whether the Committee would like it or not. What is the size of Martin's Cove itself?

Mr. FULTON. I think the bill is proposing a 1,600-acre transfer.

Mr. UDALL OF NEW MEXICO. OK. Is—

Mr. FULTON. I have not visited this site myself, so—

Mr. UDALL OF NEW MEXICO. Is what is considered Martin's Cove, is it bigger than that?

The CHAIRMAN. Smaller.

Mr. UDALL OF NEW MEXICO. Smaller, OK. Tell me a little bit—you just discussed it and I want to explore it in a little more depth,

the idea of how we do this without setting a precedent. I think you said we want to be sure that a precedent is not set. I do not quite understand how you do that. I think after you do something, people can always argue that it is a precedent for doing things in the future. Do you have ideas on how to do that?

Mr. FULTON. I think one of the keys is absolute, unfettered public access to a site. A lot of very significant sites, or significant to groups of individuals who express a desire to take ownership, are doing so from sort of a possessory view of the site. So it would not be those groups' goal to offer unlimited access to 270 million Americans who all share equally in these public lands. That would be a requirement that we would place on our support of this bill, and I think that then would limit its scope to this particular instance.

Mr. UDALL OF NEW MEXICO. Do Native Americans with regard to this particular site have any sacred sites in the area or anything like that?

Mr. FULTON. I am not aware of any particular sacred sites by Native American groups. The West has a lot of sites important to Native Americans.

Mr. UDALL OF NEW MEXICO. Just as a closing comment, I note that the Ranking Member and Chairman Hansen and Chairman Radanovich are all working together on this, and I think that is a very hopeful sign, so I intend to keep an open mind and listen as the discussion goes on and see if we cannot reach an agreement on something. Thank you very much.

Mr. FULTON. Thank you.

Mr. FALEOMAVEGA. Will the gentleman yield?

Mr. UDALL OF NEW MEXICO. I would be happy to yield.

Mr. FALEOMAVEGA. I just want to assure the gentleman that in our visit to the site and also in consultations, the LDS Church has always welcomed archaeologists for any consideration, even among Native American organizations, if they want or they feel that there is some importance to the culture and religious significance. There is no prohibition in that effect, it is my understanding.

Mr. UDALL OF NEW MEXICO. Thank you.

Mr. RADANOVICH. Thank you. The Chair recognizes Mr. Flake from Arizona, welcomes him to the Committee, and asks unanimous consent that he be allowed to join members on the dais. With that, too, I would like to ask if there are any further questions of this panel.

[No response.]

Mr. RADANOVICH. All right. Ms. Stevenson, I am sorry there were no questions on your bills. I am sure it was due to your fantastic testimony and we appreciate your being here.

Ms. STEVENSON. Thank you.

Mr. RADANOVICH. Mr. Fulton, thank you, too, very much for speaking on this issue.

Before we go to the next panel, I do want to turn people's attention to the television set there and beg your indulgence to view, it will be about 5 minutes, a PBS documentary on the history of the Mormon Trail and excerpts in it about Martin's Cove. So if we want to run that before we start our next panel.

[A videotape was shown.]

Mr. RADANOVICH. With that, we will call our next panel, Bishop David Burton, Presiding Bishop of the Church of Jesus Christ of Latter-day Saints from Salt Lake City; President Lloyd Larsen, Riverton, Wyoming Stake, Lander, Wyoming; Ms. Kitty O'Leary Higgins, Vice President for Public Policy, National Trust for Historic Preservation; Mr. Kirk Koepsel, Northern Plains Regional Representative of the Sierra Club, Wyoming Office in Sheridan, Wyoming; and Mr. Reese Lukei, Jr., National Coordinator of the American Discovery Trails Society.

Ladies and gentlemen, welcome to the Committee. Bishop, welcome to the Committee. If you would like to begin your testimony, that would be just terrific.

STATEMENT OF BISHOP H. DAVID BURTON, PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, SALT LAKE CITY, UTAH

Bishop BURTON. Chairman Radanovich and Chairman Hansen and members of the Subcommittee, I am H. David Burton and I presently serve as the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. In this capacity, I supervise and manage all of the physical properties of our worldwide Church of over 11 million members. I appreciate the invitation to appear before you today and to testify in support of H.R. 4103, the Martin's Cove Land Transfer Act.

I want to thank Chairman Hansen and all other Members of Congress who have cosponsored this bill at the request of thousands of LDS Church members and nonmembers alike from Wyoming. I also want to thank Congresswoman Barbara Cubin of Wyoming for agreeing to listen to our interest in protecting, preserving, and providing public understanding of what occurred at Martin's Cove.

The story of the Martin and the Willie Handcart Companies of Mormon pioneers is one of dedication, determination, and death, a story of suffering, of selfless sacrifice, and above all, a story of great faith. The courage and sacrifice of those marooned pioneers in 1856 and their rescuers is one of the great historic events in the American pioneer era.

My own grandfather was mentioned in the video you have seen. My second great-grandfather, as a matter of fact, and my second great-grandmother was one of those who were rescued, so I have a particular interest in that from a personal standpoint.

From the earliest planning, one of our goals was for the Church to obtain in fee the significant ground at Martin's Cove from the Federal Government. To that end, the officials of the Church's farm and ranch real estate arm visited the Lander District Office of the Bureau of Land Management in 1997 to propose acquisition of the site. We were told the land could not be purchased and that the only possible way to acquire it would be to find another site of equal historical value. The Church would then acquire that site and trade it for the land at Martin's Cove.

On review of the sites then available, it was obvious that few equivalent sites were available. The Immigrant Trail from one edge of Wyoming to the other was explored to find equivalent sites. Two were identified, the Sixth Crossing of the Sweetwater and the

Burnt Ranch at the last crossing of the Sweetwater. Several other sites were considered, however, none of these were considered by the Bureau of Land Management to be equivalent.

Later in 1999, the Church proposed to trade the BLM acre-for-acre land in the vicinity of the Sixth Crossing and conditional public access at both Martin's Cove and the Sixth Crossing for the land at Martin's Cove. The proposal for this exchange was turned down by the Bureau of Land Management.

In mid-1996, the Church contracted to acquire the hub-and-spoke portion of the Sun Ranch—that Ranch was along the Sweetwater River—in anticipation of substantial numbers of visitors for the 1997 Sesquicentennial Celebration of the first Mormon pioneer trek across the plains. A development plan was created hurriedly to establish facilities to accommodate visitors and to properly interpret the site.

In 1997, a 5-year cooperative agreement was entered into with the Bureau of Land Management which permits the Church access from the privately held Sun Ranch properties north into Martin's Cove. This agreement provides for historical access only, permits no hunting or fishing or other activities inappropriate to the historic site.

On the basis of the cooperative agreement, the BLM provided materials and design for the trail into and around the cove. The materials were placed and the trail constructed by Church volunteers from the Riverton and Casper areas of Wyoming. The Bureau of Land Management reviewed and approved the interpretive signs in the cove and have been very cooperative in the construction of the facilities on their property.

During the time the Church has had access to the cove, it has received annual inspections from the BLM as well as from the State Historic Preservation Office and it has received high marks. In addition to the trail, the Sun family homestead was renovated into a visitors' center to tell the story of Martin's Cove site. Visitors are first introduced to the story of the trail, the history of the handcart companies, and at the end of the tour, there is a short video based on a journal written by Heber McBride, who was 13 years old when he came through with the Martin Company and found his father frozen to death under a wagon.

Those who wish are then provided handcarts to be pulled several miles to the base of the cove. Leaving the handcarts at that point, visitors can follow another trail through the cove. Upon returning to their handcarts, they are provided yet a third trail to the handcart bridge back across the Sweetwater crossing where they can imagine the events of the young rescuers carrying weakened pioneers across the icy river.

The central purpose of the Mormon Handcart Visitors' Center at Martin's Cove is to provide an opportunity for people to know and remember the handcart pioneers who suffered there and the men who rescued them. In addition to the visitors' center, a vehicle bridge across the Sweetwater River was constructed. Parking lots were created, public restrooms installed, and wells drilled. The Church has constructed a renovated covered barn where groups can hold meetings and escape the weather, if necessary. We have

also constructed a chapel, a shop, new housing for Church volunteers, administrative facilities, and ranch operating facilities.

To better accommodate the public, the Church has developed two public campgrounds for youth visitors, accommodating 500 to 800 each. In addition, we have built an RV campground and a family campground. We have also built an RV village for roughly 30 volunteer couples that staff the visitors' center.

While these improvements have been costly, they are necessary to support the hundreds of thousands of visitors who have come to Martin's Cove since the Church opened the visitors' center.

The Church of Jesus Christ of Latter-day Saints has significant and valuable experience in handling large numbers of public visitors. Last year, across the world, we hosted over five million visitors at 15 distinct Church visitors' centers and 13 Church historical sites. This figure does not include the hundreds of thousands of visitors to Temple Square in Salt Lake City.

All of our visitors' centers are administered by mature couples who serve as full-time volunteers without pay. I do not believe any other group, including the BLM, would have devoted the financial and human resources to establish Martin's Cove as a historical destination.

Mr. RADANOVICH. Bishop Burton, if I may ask you if you could sum up. We are a little bit over the time that we have got.

Bishop BURTON. Thank you, Chairman. I conclude with this last statement. May all who come here, quoting President Hinckley, may all who come here do so with a spirit of reverence as they recall the experiences of their forbearers. May a spirit of solemnity rest upon them. This is the purpose of wanting to obtain Martin's Cove. Thank you.

Mr. RADANOVICH. Thank you very much, Bishop.

[The prepared statement of Bishop Burton follows:]

Statement of Bishop H. David Burton, Presiding Bishop, The Church of Jesus Christ of Latter-day Saints, on H.R. 4103

Introduction

Chairman Radanovich, Chairman Hansen and members of the Committee, I am Bishop H. David Burton. I serve as the Presiding Bishop for The Church of Jesus Christ of Latter-day Saints. In this capacity, under the direction of the First Presidency of the Church, I supervise and manage all of the physical properties of the worldwide Church of Jesus Christ of Latter-day Saints of over eleven million members. I appreciate the invitation to appear before this you today to testify in support of H. R. 4103, the Martin's Cove Land Transfer Act.

I want to thank Chairman Hansen and all the other members of Congress who have cosponsored this bill. I also want to thank Congresswoman Barbara Cubin of Wyoming for agreeing to listen to our interest in protecting, preserving and providing public understanding of what occurred at Martin's Cove. We are also most grateful for Subcommittee field hearing in Casper, Wyoming on May 4.

In order for to understand why Martin's Cove is such a sacred location to the Latter-day Saint people and to our Church, I must tell you the saga of the Martin and Willie Handcart companies of Mormon pioneers. As shown in the PBS television documentary, "Trail of Hope," a portion of which was shown to the Committee this morning, this is a story of dedication, determination and death; a story of suffering and selfless sacrifice; and above all, a story of great faith. The courage and sacrifice of these marooned pioneers in 1856 and their rescuers is one of the great heroic stories of the American pioneer era.

The Great Western Migration

Most of the Great Western migration took place during a period of a little over twenty years. In that time some 350,000 people came along the Oregon, California

and Mormon trails. Roughly one-sixth, or over 60,000, of those going west were members of The Church of Jesus Christ of Latter-day Saints. Early Latter-day Saints experienced considerable persecution and were driven from place to place before finally building a great city on the Mississippi River in Illinois called Nauvoo. It was from Nauvoo, after much persecution there, that the first of Mormon pioneers started west in 1846. The early migration was mostly by wagon although later on some 3,000 poorer emigrants traveled by handcart.

The Oregon, California and Mormon trails started in the frontier cities of the Mid-West, followed the Platte and North Platte rivers through Nebraska into Wyoming near present day Casper, then dropped down to the Sweetwater River in Wyoming near Independence Rock. Since these travelers needed water for their animals and people, it was the rivers that dictated their route. About seventy miles west of Martin's Cove, near South Pass, at what has come to be known as the Parting of the Ways, the various trails split up some pioneers going to California for gold, some to Oregon for free land, and some hoping for a new and more prosperous life. The Mormons were following the direction of their prophet-leader, Brigham Young, to gather in the Great Salt Lake Valley and later settle much of the Intermountain West.

The early pioneer members of The Church of Jesus Christ of Latter-day Saints began their trek westward to the Great Basin in the winter of 1846, crossing their wagons on the frozen Mississippi even as their homes, farms and property were being taken. During the cold winter, the Latter-day Saints made their way across Iowa territory to a staging ground which they called Winter Quarters, near present-day Council Bluffs on the Missouri River. Many were ill prepared and suffered much. At Winter Quarters the Latter-day Saints built cabins, planted crops, and prepared to make the thousand-mile journey west. The first of the group arrived in Salt Lake City during July of 1847.

The Martin and Willie Handcart Companies

In these migrations, one special story stands out. It is the story of the handcart pioneers, poor people with few frontier skills, who pushed and pulled handcarts some 1,300 miles between Iowa City and Salt Lake City. By 1856, hundreds of new converts to The Church of Jesus Christ of Latter-day Saints in the British Isles and Denmark wanted to join with the body of the Church in Salt Lake City. Many pioneers lacked the means to make the journey without help. To help meet their needs, Brigham Young organized the Perpetual Emigration Fund to provide money for ship and overland passage for the poor immigrants in return for work or repayment after journey's end.

In addition, Brigham Young proposed that handcarts be used instead of costlier covered wagons pulled by a team of oxen. The shallow box on the handcart carried supplies, personal belongings and sometimes young children. Most handcarts carried a little over a hundred pounds, although some loads were heavier. Each traveler was allowed only 17 pounds of personal belongings including bedding and clothing. There would be one oxen supply wagon for every 20 handcarts which carried tents, flour, and other provisions, as well as those too sick or unable to walk.

The handcart companies averaged 15 miles per day. Handcarts were much less expensive and actually faster than oxen pulled wagons. Four or five people were assigned to each handcart. The first of three handcart companies sailed in March/April from England, picked up their handcarts at the end of the railroad in Iowa and arrived in Salt Lake City by early September. It was not an easy 1300-mile trek but they did it. Of ten total handcart companies, eight came through safely. Two did not.

The plan for travel was for the people to leave England by boat starting in mid-February but not later than mid-April. After arriving in the United States it took about five weeks to get to the Missouri River. Then it was a three-month trek to Salt Lake via handcarts. That schedule would put the travelers into the Salt Lake Valley no later than the end of September.

The Willie and the Martin immigrant companies started late from England and arrived in Iowa in mid-summer. Despite warnings about the perils of getting a late start, these immigrant pioneers, who had already traveled thousands of miles by ship, voted to press on to Utah. The Willie Company, with over 400 people left Iowa on July 15, 1856. The Martin company, with somewhere between 570 to 620 people, and the two trailing wagon trains captained by William Hodgetts and Daniel Hunt left about two weeks later.

These companies endured harrowing circumstances. By the time they were in Wyoming it was October. An early snowstorm developed into a bitter windswept blizzard and the temperatures dropped to 11 degrees below zero with wind chill conditions of from fifty to seventy degrees below zero. Oxen were lost in the storms; and

even their cattle began to die from starvation. Their problems became critical as they were making the last crossing of the North Platte River near present day Casper. They were short of fuel, food, and adequate clothing. Rain and sleet turned to snow and ice. Rations were reduced to only 4 ounces of flour per day for adults, half that for children. The Willie Company was one week ahead of the Martin Company isolated near Sweetwater Station, west of Jeffrey City. The Martin Company was stranded at Red Buttes, unable to press forward.

"Bring Them In From the Plains"

Brigham Young did not know that all these people had started west so late in the season until some returning missionaries, who had passed the pioneers on the plains, reported to him on the evening of Saturday, October 4, 1856. That was the night before the Church's General Conference or assembly. In the General Conference the next morning, Brigham Young said, "The theme of this conference will be the rescue of these saints. We must send assistance. We must bring them in from the plains."

Food and clothing were gathered from among the people who themselves had little to spare. Horses, mules and wagons were donated and young men left their homes and families to volunteer for the rescue. On the morning of October 7, 1856, twenty-two teams/two spans to a wagon started out to rescue the Willie and Martin handcart people. By Tuesday, 14 wagons of what would become 200 rescue wagons left the city. On October 19, 1856 the rescue party had reached South Pass where they camped for relief from the severe storm. However, they had sent messengers ahead to notify the handcart companies that help was on the way. These messengers met the Willie Company west of Ice Slough. They gave them encouragement, and continued to Devil's Gate.

The Willie Company managed to continue to a location near the Sixth Crossing of the Sweetwater where they were joyously met two days later by the rescue wagons under the direction of George D. Grant. Grant left six wagons with the Willie Company then continued east along the trail with his remaining eight wagons. Arriving at Devil's Gate he sent three new rescue messengers east along the trail where they finally located the Martin Company at the Red Buttes where they were camped following their last crossing of the North Platte River near present day Casper. They had suffered terribly there in the storm.

The rescue messengers were able to get the Martin Handcart Company and the Hodgetts and Hunt wagon trains moving west along the trail. The Martin Handcart Company was met by the rescue wagons at Greasewood (Horse) Creek and brought to an abandoned fort at Devil's Gate. Since the fort was small and would not accommodate so many, the handcart pioneers were moved to a more sheltered area abutting the rocky cliffs west of the fort, now called Martin's Cove, where they remained in the open for four days and five nights. Before entering the Cove, over fifty had died. While in Martin's Cove, many more died. They did their best to cover the dead with rocks or bury them in frozen ground that was almost impenetrable. You can understand why the Latter-day Saints consider Martin's Cove so sacred. About November 12th they filled their wagons with the weakest emigrants and moved on. More deaths occurred.

The further West they went, the more rescue wagons they met and by the time they arrived at Ft. Bridger, Wyoming all were in a wagon. By late November they arrived in Salt Lake City. Brigham Young told the Latter-day Saints that those people would be helped better "with a cooked potato with a little salt and a little butter than all your prayers. Go and take them into your homes and nurse them back to health." And they did.

There were many heroic efforts connected with the rescue effort. Several young men from Salt Lake City spent much of one day wading back and forth across the Sweetwater river carrying people through the icy waters to get them into Martin's Cove.

Ephraim Hanks started out on the rescue trail alone, killed a buffalo shortly before reaching the Martin Company at the Cove, and was able to bring them badly needed food. Then he used his considerable frontier medical skills and a pair of scissors to treat the people's frost bitten and frozen limbs.

Although the exact number of those who perished cannot be precisely known, most historians agree that during the overland portion of their journey, 29 members of the Hunt and Hodgetts wagon companies died. The Willie Handcart Company lost 69 and the Martin Company suffered close to 170 deaths.

Some were critical of the decision of the handcart companies to come west so late in the year. Many years later, Francis Webster then an old man, one who had made the trip, declared, "I was in that company and my wife was in it— we suffered beyond anything you can imagine and many died of exposure and starvation—we be-

came acquainted with God in our extremities." He also told of looking ahead to see a spot on the trail and saying, "I can pull the handcart only that far." Then when he got to that point his cart started pushing him. It was then that he said he knew God and angels were helping push. Then he said, "Was I sorry that I chose to come by handcart? No, neither then nor one moment of my life since. The price we paid to become acquainted with God was a privilege to pay and I am thankful that I was privileged to come—in the Martin Handcart Company."

The individual stories told from journals of the survivors and the roughly 200 who died from their ordeal are at once tragic, touching and triumphant. From that time to this, members of The Church of Jesus Christ of Latter-day Saints have found inspiration from the stories of faith, dedication, sacrifice and suffering of the Willie and Martin Handcart companies in Wyoming.

Purchase of the Sun Ranch

In mid-1996 the Church contracted to acquire the Hub and Spoke portion of the Sun Ranch along the Sweetwater River. May I take a moment to tell you a little bit about this historic ranch and give you some background about why and how we came to own it. The ranch begins at approximately Devils Gate and extends five to six miles west along the river. The strategic value of the ranch is its access to the sacred ground of Martin's Cove. The Oregon, California, Mormon and Pony Express trails go right through the heart of this ranch. It remains a working cattle ranch today.

An easement from the Sun family to the historical sites of the Hub and Spoke ranch permitted the Church early access to the ranch pending the trade by the Sun Family for ranching properties elsewhere. In anticipation of substantial numbers of visitors for the 1997 Sesquicentennial Celebration of the first Mormon Pioneer trek across the plains, a development plan was created hurriedly to establish facilities to accommodate visitors and to properly interpret the site.

BLM Cooperative Agreement

In 1997, a five-year cooperative agreement was entered into with the BLM, which permits the Church access from the privately held Sun Ranch properties north into Martin's Cove. This agreement provides for "historical" access only, permits no hunting or fishing or other activities inappropriate to the historic site.

On the basis of the cooperative agreement, the BLM provided materials and design for a trail into and around the Coves. The materials were placed and the trail constructed by Church volunteers from the Riverton and Casper areas of Wyoming. The BLM reviewed and approved the interpretive signs in the Cove and have been very cooperative in the construction of the facilities on their property.

During the time the Church has had access to the Cove, it has received annual inspections from the BLM as well as from the State Historic Preservation Office and it has received high marks. The BLM has been cooperative in permitting treks across its land from Sixth Crossing west to Rock Creek or segments thereof. On behalf of The Church of Jesus Christ of Latter-day Saints I want to thank the BLM officials in Wyoming with whom we have worked these past several years. They are capable, dedicated professionals who have been excellent to work with.

Mormon Handcart Visitors Center at Martin's Cove

In addition to the trail, the Sun Family homestead was renovated into a Visitors Center to tell the story of the Martin's Cove site. Visitors are first introduced to the story of the trail, the history of the handcart companies and at the end of the tour there is a short video based on a journal written by Heber McBride who was 13 years old when he came through with the Martin Company and found his father frozen to death under a wagon. Those who wish are then provided handcarts to be pulled several miles to the base of the Cove. Leaving the handcarts at that point, visitors can follow another trail through the Cove. Upon returning to their handcarts they are provided yet another trail to a handcart bridge back across the Sweetwater crossing where they can imagine the events of young rescuers carrying weakened pioneers across the icy river.

The Church's Visitors' Center is located in what once was the original ranch house. This historic ranch was homesteaded in 1872 by Tom Sun, not many years after the era of wagon trains and handcarts ended. After nearly a year of renovation and restoration, the Sun Ranch house became the Mormon Handcart Visitors Center at Martin's Cove. Today visitors from throughout the country can come to learn about the history of this spot, and feel the spirit of the pioneers who struggled, perished, and were rescued there.

Because the Sun family once lived in and used the old ranch house, we kept a room (which we call the Sun room) as something of a family museum. The Church has maintained their tradition and we continue to display items which once

belonged to the Sun family and other area ranchers in the Sun room and in the log schoolhouse next door. Nellie Sun, the wife of Tom Sun II, had a unique fireplace built using her rock collection as its basis. It contains a lot of petrified wood and Indian artifacts such as grinding stones and hobble stones. The rifle above the mantle was a gift to Tom Sun, Sr. from his good friend Buffalo Bill who spent much time here.

The central purpose of the Mormon Handcart Visitors Center at Martin's Cove is to provide an opportunity for people to know and remember the handcart pioneers who suffered there and the men who rescued them. This Visitors' Center tells the story of these heroic people. During the tour visitors may read the stories and quotes from the people who made this journey. Several artists have captured the story of these people, and their struggles and of the rescue effort. Listed there are the names of rescuers followed by the names and ages of those people of the Martin and Willie Handcart companies and the Hodgetts and Hunt wagon companies. A wall contains names in gold to identify people who died somewhere along the trail. Following the tour, most visitors especially youth groups, pull one of over a hundred handcarts especially built to pull along the trail to the edge of Martin's Cove.

In addition to the Visitors' Center, a vehicle bridge across the Sweetwater River was constructed, parking lots created, public restrooms installed, and wells drilled. The Church has constructed a renovated, covered barn where groups can hold meetings and escape the weather if necessary. We have also constructed a chapel, a shop, new housing for Church volunteers, administrative facilities, and ranch operating facilities.

To better accommodate the public, The Church of Jesus Christ of Latter-day Saints has developed two public campgrounds for youth visitors accommodating 500-800 each. In addition, we have built an RV campground, and a family campground. We have also built an RV village for roughly thirty volunteer couples that staff the Visitors' Center.

While these improvements have been costly, they are necessary to support the thousands of visitors who have come to Martin's Cove since the Church opened the Visitors' Center. I do not believe any other group, including the BLM, would have devoted the financial and human resources we have to establish Martin's Cove as the significant historical destination it has become. Remarkably, since the opening of the Martin's Cove Visitors' Center in 1997, we have welcomed over a quarter of a million visitors to this remote location in Wyoming. We estimate that about 91% of these visitors are our own Church members.

The Church of Jesus Christ of Latter-day Saints has significant and valuable experience in handling large numbers of public visitors. So far this year alone, across the world, we have hosted over 5 million visitors at 15 distinct Church Visitors' Centers and 13 Church historic sites. All of our Visitors' Centers are administered by mature couples that serve as fulltime volunteers without pay.

The facilities at Martin's Cove were dedicated by Church President Gordon B. Hinckley on May 3, 1997 with approximately 10,000 visitors in attendance. In his dedicatory prayer, President Hinckley said; "I dedicate this Mormon Handcart Visitor's Center as a place where may be taught the history of the past. May the tale of the great migration of people be here remembered and spoken of with love. May all who come here do so with a spirit of reverence, as they recall the experiences of their forebears may a spirit of solemnity rest upon them." Following the dedication of the Visitors' Center, officials of the BLM dedicated the trail into the Cove.

Unsuccessful attempts to acquire Martin's Cove via Land Exchange

From earliest planning President Hinckley has expressed a goal for the Church to obtain in fee the sacred ground in Martin's Cove from the Federal Government. To that end, the officials from the Church's farm and ranch real estate arm, visited the Lander District Office of the BLM in 1997 to propose acquisition of the site. We were told that land could not be purchased and that the only possible way to acquire it would be to find another site of "equal historical value" to be acquired by the Church and traded for the land in Martin's Cove.

On review of the sites then available, it was obvious that few equivalent sites were available. The emigrant trail from one edge of Wyoming to the other was explored to find equivalent sites. Two were identified: the Sixth Crossing of the Sweetwater and the Burnt Ranch at the last crossing of the Sweetwater. Several other sites were considered however, none of these were considered by the BLM to be equivalent.

After several months of negotiations, the ranch at Sixth Crossing was acquired from Tom Abernathy by exchange. The property is approximately 5,000 acres including 3,000 acres in the Sweetwater Valley from Highway 287 at Sweetwater Station northwest along the river. Almost all emigrants going to California, Oregon and

Utah crossed the Sweetwater at this site. In the vicinity of this site, the Willie Handcart Company was rescued in 1856 by the party sent out from Salt Lake City by Brigham Young.

Later in 1999, the Church proposed to trade the BLM, acre for acre, land in the vicinity of Sixth Crossing and conditional public access at both Martin's Cove and Sixth Crossing for the land at Martin's Cove. The proposal for this exchange was turned down by the BLM. While the BLM has expressed interest in exchanging Martin's Cove for the Sixth Crossing site, understandably, the Church considers this Sixth Crossing site equally significant to our religious heritage. We wish to retain and develop it as another location where the public can interpret and appreciate the historical events which transpired there. In 2000, the Church made an offer to the owners of Burnt Ranch to acquire their place and after lengthy discussions, the offer was turned down. After lengthy discussions, our Wyoming Church members sought help from their congressional representatives.

H.R. 4103- The Martin's Cove Land Transfer Act

I again want to thank Rep. Hansen and the other members of the Congress for responding to the request by thousands of Wyoming Church members for assistance in drafting a bill to permit The Church of Jesus Christ of Latter-day Saints to purchase the sacred ground of Martin's Cove directly from the government for fair market value. H. R. 4103 contains important safeguards for the public.

The Church will be required to pay fair market value calculated on the historic value of Martin's Cove. Since the Church has been very active in acquiring other historic sites in Wyoming including the Sixth Crossing Site and Rock Creek Hollow, I can assure you the price we will pay for Martin's Cove will exceed what most Wyoming ranchers would pay for BLM rangeland. The Church bought the Sun Ranch, not for its value as a cattle ranch, not for hunting and fishing, or for mountain biking or rock climbing; but rather to obtain access so the public can walk into Martin's Cove, a site that is both historic and sacred. The Martin and Willie episode was probably the most tragic, yet at the same time the most heroic single event in Mormon pioneer experience of the Nineteenth Century. It is a story that deserves telling and retelling. That is our purpose in wanting to acquire Martin's Cove.

Mr. RADANOVICH. Everybody should know, if you can keep to the 5-minute clock, your written testimony will be included in the record, so you will not be missing anything by not being able to include it all in that 5 minutes.

Next is President Lloyd Larsen of the Riverton, Wyoming Stake. Mr. Larsen, welcome, and please begin your testimony.

STATEMENT OF LLOYD CHARLES LARSEN, PRESIDENT, RIVERTON, WYOMING STAKE, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, LANDER, WYOMING

Mr. Larsen. Mr. Chairman and members of the Committee, thank you. My name is Lloyd Larsen. I am from Lander, Wyoming, and I am honored and pleased to be before this distinguished Committee today.

I am the co-owner of Triple L, Incorporated. It is a construction and general contracting firm that serves the petroleum industry in Wyoming. I am also President of the Riverton, Wyoming Stake of the Church of Jesus Christ of Latter-day Saints. We have 2,587 members of the Church in ten different congregations throughout Fremont County, Wyoming. This stake has been involved in great detail over the last decade in the identification, restoration, and preservation of sites along the Mormon Trail.

I am pleased today to be able to present to this Subcommittee petitions of nearly 6,000 members of the LDS faith in Wyoming in favor of legislation to convey Martin's Cove to the Church. These petitions are from Wyoming citizens, who are all of voting age, from 101 different communities throughout the State. They reflect

strong support for the Wyoming LDS community for this legislation. So on behalf of thousands of LDS members in Wyoming, we would like to thank House Resources Chairman Jim Hansen for providing the legislative vehicle to enable Congress to review the ownership issues of Martin's Cove.

We would also like to express our deep appreciation to our lone Representative, Barbara Cubin, for insisting that a public hearing take place on this bill in Wyoming. That hearing, as you well know, took place on May 4 in Casper. It was evident that the large majority of those attending that meeting were in support of this legislation. It was also evident from the comments made by the general public, as allowed in this Committee hearing, that the majority feels that this legislation is, indeed, good for the State of Wyoming.

Mr. Chairman, speaking for myself, I am pleased with the direction and the concept of this bill. I would also welcome legislative changes, however, that would place the proceeds from the sale of this property back into the State of Wyoming. I would also be pleased to see legislative action that ensures public access into the cove and that would also address other issues.

Mr. Chairman, when we came here yesterday, I brought my 17-year-old son, Jared, with me on this trip. This being his first trip to Washington, D.C., we tried to take in some of the sights yesterday afternoon. We were the most touched as we went into Arlington National Cemetery. The signs there state that we were on hallowed ground. We felt that, and rightfully so. It was made hallowed by men and women who gave their lives protecting the freedom and the civil rights enjoyed in this country.

Martin's Cove on High Plains, Wyoming, is also hallowed ground, made hallowed by people who gave their lives, committed to a religion that they believed in, and in pursuit of the freedom that is the cornerstone of this nation. This event is no doubt American history, but these pioneers personally left to the members of this Church a unique legacy, a legacy of commitment, determination, and selfless compassion.

I do not believe that anyone has been or will be as committed to the preservation of Martin's Cove as the Church of Jesus Christ of Latter-day Saints. It has been demonstrated from the thousands of hours of labor, the donation of equipment and expertise which the members of the Church donate annually to help the people from all around the world have a unique experience at Martin's Cove, that we are committed to the long-term success of this site, not because it is our job, but because it is our stewardship and it is our heritage. Thank you.

Mr. RADANOVICH. Thank you very much, Mr. Larsen.

[The prepared statement of Mr. Larsen follows:]

Statement of Lloyd Charles Larsen, Lander, Wyoming

Mr. Chairman, and members of the committee: I am Lloyd Larsen of Lander, Wyoming. I am honored and pleased to appear before this distinguished committee today.

I am the co-owner of Triple L. Inc., a construction and general contracting business that primarily serves the petroleum industry with 20 employees. I am also the President of the Riverton, Wyoming Stake of The Church of Jesus Christ of Latter-day Saints (LDS). There are 2587 members of our faith in this stake, located in 10 different congregations throughout Fremont County.

I am pleased to present to the subcommittee petitions from nearly 6,000 members of the LDS faith in Wyoming in favor of legislation to convey Martin's Cove to the Church. These petitions are from Wyoming citizens who are all of voting age from 101 communities throughout the state. They reflect the strong support of the Wyoming LDS community for this legislation. And so, on behalf of thousands of LDS Church members, we thank House Resources Chairman Jim Hansen for providing a legislative vehicle to enable the congress to review the ownership issue of Martin's Cove.

We also join in expressing appreciation to Representative Cubin for insisting that public hearings on the bill take place in Wyoming. Speaking for myself, while I am pleased with the direction and concept of this bill, I would also welcome legislative changes that would keep the proceeds of the Martin's Cove sale in Wyoming, that ensure the public access to the Cove, and that take into account other views.

The intent of this testimony is to try and help the hearing committee understand the sacrifice of time, labor, equipment and money, that has generously been donated by the citizen's of this great State who are members of The Church of Jesus Christ of Latter-day Saints in the development of Mormon Handcart Visitors Center ("Visitor's Center") which includes the development of Martin's Cove ("Cove") so that the public could have access to this site. I would also like to inform the committee of the efforts of the Church to identify, research and acquire other lands that have historic value that could be traded to the BLM for Martin's Cove.

For five years prior to the Church's purchase of the Sun Ranch members of the Church living in the geographic area surrounding Martin's Cove had been involved in a project that required researching the names and events associated with the Martin and Willie Handcart Companies. In that process we were able to obtain copies of journals that had been written by the handcart pioneers, or their descendants. We not only became acquainted with the events surrounding the saga of the Willie and Martin Handcart Companies, we come to understand the spirit, human kindness, compassion, stamina, character, and sacrifice of those handcart pioneers. We also come to understand to some degree the voluntary sacrifice, courage, character, and compassion of those who came to rescue the stranded handcart companies. As we came to know these people, a bonding took place. Many members of the LDS Church in Wyoming are descendants of these pioneers who crossed the plains, and they have come to recognize the sacrifice their forefathers made to believe and worship the way they wanted. Other LDS citizens in the State found that they could relate to the sacrifices of the handcart pioneers because, like these early pioneers they too made sacrifices to embrace this religion.

Because of this relationship the members of the Church were excited whenever an opportunity arose that allowed them to eulogize the handcart pioneers. In 1991 members of the Church here in Wyoming erected three monuments along the Oregon/Mormon trail dedicated to the members of the Martin and Willie Handcart Companies. The time, equipment, and materials for the casting of the bronze plaques, building the interior structure of the monuments, hauling rock from a BLM quarry in LaBarge, Wyoming 200 miles away, and the masonry work on the plaques were all donated.

We were thrilled when we learned that the negotiations for the acquisition of the Sun Ranch had been successful in the fall of 1996. Up to this point access into the Cove had been limited because you had to drive across private land prior to accessing the public land where the Cove is. After the Church purchased the ranch, a meeting was held at the old Sun ranch house to determine how we could make this property an interpretive site that would be conducive to the history of the handcart legacy, and maintain the influence of the Sun family who the property was purchased from. At this same meeting it was also noted that 1997 was the sesqui-centennial of the vanguard company of Mormon pioneers crossing the plains and entering the Salt Lake valley. Because of this historic celebration it was decided that every effort should be made to make the handcart historic site accessible by May of 1997.

In order to have the area ready for visitors a number of things had to be done, which included:

1. The bridge across the Sweetwater River needed to be replaced. The existing bridge was an old railroad car that was too narrow. This bridge had also been set too close to the river and would sometimes get covered with water when the river flooded.
2. Some sort of visitors center needed to be created to tell the story of the handcart pioneers and of the Sun family.
3. A parking lot needed to be made.
4. There weren't any public restrooms.

5. With the ranch being there for many decades, there was need to "clean up, pick up, paint up, and fix up."
6. We needed to establish more water sources for drinking water. Water wells needed to be drilled.
7. The access road from the highway into the visitor's area needed to be improved.
8. A walking trail needed to be designed and constructed from the visitor's center into Martin's Cove.
9. A footbridge needed to be placed over the Sweetwater River up closer to the Cove.
10. Interpretive signs needed to be designed, constructed, and installed along the trail to help people better understand the events in the area.
11. Campgrounds with water and restrooms needed to be established to accommodate those groups and individuals that wanted to camp in the area.
12. A picnic area around the Visitor's Center would be needed for visitors. It was anticipated that because the closest town of any size was 50 miles away, many visitors would be bringing their lunches with them.

This meeting was held in the middle of September, and it was determined that we should be ready for visitors on May 1st, which gave us seven and a half months to be ready. The biggest obstacles were the coming on of winter and labor. When the members around Wyoming found out that there was a need for help the response was incredible.

It was decided that the historic ranch house which was in a sad state of repair should be repaired and made into the visitors center which would not only protect the inherent atmosphere of the ranch, it would also help establish a setting for the visitors. Volunteers who were familiar with the building trades removed the old floor and excavated under the bottom log of the structure by hand. They leveled the walls and then poured a new concrete floor. Where the logs had rotted out they were replaced with other logs salvaged from other demolition.

The bridge over the Sweetwater River was unique. Members from the Riverton area were asked if they could build a bridge. They answered yes, and were given the assignment to build it. In reality none of them had ever built a bridge before. The existing bridge was an old railroad car that was 8 ft. wide and 90 feet long. They decided to try and find another railroad car with the intentions of putting the two together side by side. A civil engineer in Casper who was a member of the Church found out about the project and offered his services. Another railroad car was found in Oregon and shipped to the site. Both railroad cars had been in wrecks and were no longer straight and true. It was decided that pilings should be driven into the ground on both sides of the river for the railroad cars to set on. The pilings were driven and the cars set with an additional space between them to get the desired width. There were several members that were welders who volunteered their time to repair the damaged railcars and to join the two cars together with structural steel. Some of these men took their vacation time to work 12-14 hours a day on the bridge throughout the month of October and part of November. It gets cold in Wyoming during those months. In addition to the welders there were orthodontists, grandmas, housewives and school age children who would show up to do whatever they could to make sure the bridge was completed. Some had so much clothing on to stay warm that they had a hard time moving around. Because the new bridge was set at a higher elevation than the old bridge, new approaches had to be made, which took over one thousand yards of dirt and gravel. A businessman in Casper who sells construction equipment heard that the approaches were being constructed. He called and inquired what equipment was being used and what was needed. The next day he sent out a large rubber tired loader, a compactor, and a motor grader all to be used free of charge. The motor grader and compactor were left there until May to be used as needed. A lot of people were needed to help put the planking on the bridge. The turnout was so good that there were more people than was needed. A group of women who had come to assist with the planking wanted to know what else could be done. They were pointed to a pile of rocks, which needed to be carried underneath the bridge and placed around the bridge pilings to help prevent erosion. There were 15 yards of rocks in that pile all weighing between five and ten pounds each. That group of women, one of whom was pregnant, carried the whole fifteen yards of rock by hand under the bridge, and placed them around the pilings. Thousands of hours of labor and equipment went into the building of this bridge so that all who wanted access into the Cove would have the ability to cross the river in a manner more favorable than the handcart pioneers. The civil engineer who helped on the bridge estimated the cost of the bridge with all that was done would have exceeded \$200,000.00.

The Church expressed to the Bureau of Land Management (BLM) a desire to develop an access into the actual Cove where the Martin Handcart Company camped. The Bureau of Land Management accepted the opportunity to develop the site, but didn't have the funds or the manpower at that time to accomplish all that needed to be done. The BLM developed and provided a blueprint for an interpretive trail that started near the Visitor's Center and went across Church owned property, to Federal land. Once the trail was on Federal land it went up into the Cove, from the Cove it then back onto Church property ending up back at the visitor's center. The total distance of trail that needed to be built was over 2.5 miles. 1.25 miles of the trail was to be built on Federal land. An archeological study needed to be conducted on the BLM land. Again the BLM didn't have the funds or the manpower to do the study at that time. The Church funded the study. Brigham Young University's archeology department came and identified two archeological sites. It was decided by the BLM that the trail could be constructed to the Cove without damaging the integrity of the archeological sites. The Church and the BLM built the portion of the trail that was on Church land with the BLM providing the materials and some equipment, the Church provided labor and equipment. When the trail got onto Federal land the trail became a narrow walking path. The design of the trail required that a geo-tech material be laid down where the trail was going to be and then gravel placed over it to a depth of two to three inches. Landscaping timbers were to be placed along the edges of the trail to keep the gravel in place. Again the BLM provided the materials but didn't have the labor resources. The members of the Church volunteered to provide labor and equipment for the task of building the trail. Men, women, and children of all ages spent much of late March and early April laying the geo-tech material on the trail, hauling the gravel and installing the landscaping ties. The trail was too narrow for dump trucks to drive on in order to spread gravel on the trail, so the volunteers brought their ATV's and hooked small garden trailers to them and hauled the gravel on to the trail one quarter of a yard at a time. A majority of the high school and jr. high school students that were volunteers spent their spring vacation that year building a trail that would allow all who desired, an opportunity to walk into Martin's Cove. The BLM recorded that an excess of 7,000 man-hours of labor were donated in the construction of that trail.

After the trail was completed the Church researched and designed information that could be placed on interpretive signs for people to read as they went into the cove. These signs tell the story of the Martin Handcart Company. They had the signs made and installed them along the trail.

Pinedale, Wyoming, is at least 240 miles from Martin's Cove. It is a rural community, where ranching, timber, and minerals are the backbone of the economy. When the members of the Church in that community found out about all that was going on at Martin's Cove, they wanted to be a part of it. When asked if they could build picnic tables, the Pinedale people volunteered for the job. They went back to Pinedale where one of the individuals owns a sawmill. They cut the lumber from native logs and made picnic tables that will hold a truck up. They scheduled the delivery of the tables to the Visitor's Center on the day when they knew that there was a lot of work scheduled to be going on around the Visitor's Center. They left their homes in Pinedale at 4:00 a.m. so that they could get to the visitor's center by 8:00 a.m. They left early in order to deliver the tables and have enough time left to work a full day. They set the tables and then found that the new public restrooms constructed by the Church was supposed to have log siding put on it which had been made from the logs of an old barn. They along with members from Dubois, and Lander who also had experience working with logs made sure that the installation of the log siding on the restrooms was completely finished that day. They left on the four and a half drive home that night knowing that they had made a contribution to the comfort of those that would come to visit Martin's Cove.

The examples that I have given of the efforts made by the members of this Church are intended to illustrate the relationship that we have with the handcart pioneers, because of the legacy that they left behind. All of the tasks that have been identified were completed in time for the dedication of the Visitor's Center on May 3, 1997. We here in Wyoming want to preserve and protect this site for generations to come. It is a place where all that are residents of Wyoming and all who are visiting can come to learn about this important event in the history of the Church and the history of the west. It is a place where we can learn a little more about who we are.

After the acquisition of the Sun Ranch, Church representatives started negotiating with the BLM in an effort to trade other lands the Church owned for the land Martin's Cove was at. Initially it was thought that we could exchange some other deeded land on the ranch for the Cove. The BLM told us that a piece of property that was as historically significant as Martin's Cove would have to be found,

evaluated, and agreed upon before a trade could take place. The Church had a representative travel along the Oregon/Mormon trail across the entire state of Wyoming looking for property that was historically significant. Once those properties were found an inquiry was made to see if the properties were for sale. Three properties were located with the possibility of meeting the requirements, and that the current owners were willing to sale.

The first site identified was for sale, but not at a price that we felt was reasonable. Negotiations with the owner were conducted over a substantial period of time without reasonable terms being reached.

The second site was a section of property on the Sweetwater River known as 6th Crossing. This is an area where all pioneers crossing on the Mormon, California, and Oregon trails crossed the river for the 6th time. This area is particularly significant in the history of the LDS Church because of the events that involved the Willie Handcart Company, which got caught in the same winter storm as the Martin Company. This property also contains a section of the trail known as the Seminole Cutoff. The Seminole Cutoff was an alternative route around some of the rougher portions of the trail going over South Pass. The Church was able to purchase this property. The Church wanted to keep the portion of the property at 6th Crossing because it has a comparable importance to Martin's Cove. The Church did however offer the Seminole Cutoff and a permanent easement into 6th Crossing for access to the trail as it crosses over the Sweetwater River. The BLM declined this offer indicating that it didn't "meet the test".

The third site identified was a piece of property that the BLM was interested in, and the owner was initially interested in selling the property. The owner however decided against the sale in favor of keeping it for personal use.

After we reevaluated our situation, it was our judgment that further comparable sites did not exist. We approached the BLM representatives to inquire if they knew of any other sites that they would be interested in. They indicated that they weren't aware of any at that time. It was at this point that we entertained the option of pursuing legislative avenues. The BLM representatives were the first ones that we informed of this intention. This was done in an effort to be forthright in our dealings with them.

Mr. Chairman, this concludes my testimony today. I would be please to respond to questions you may have.

Mr. RADANOVICH. We now turn our attention to Ms. Kitty O'Leary Higgins, who is Vice President of Public Policy for the National Trust for Historic Preservation. Ms. O'Leary Higgins, welcome to the Committee. Please begin your testimony.H.R. 4103

**STATEMENT OF KITTY O'LEARY HIGGINS, VICE PRESIDENT
FOR PUBLIC POLICY, NATIONAL TRUST FOR HISTORIC
PRESERVATION, WASHINGTON, D.C.**

Ms. HIGGINS. Thank you, Mr. Chairman. Thank you for the opportunity to testify. I represent the National Trust for Historic Preservation and the Trust very much understands the historic significance of Martin's Cove and the importance of this site to the Mormon Church and its members and, indeed, to all Americans.

The historic importance of Martin's Cove and the surrounding areas have been recognized when the site was listed on the National Register of Historic Places. This area is also part of the National Historic Trails Program because of the California, Oregon, Mormon, and Pony Express Trails that pass very near Martin's Cove.

Over the years, Congress has enacted a large body of Federal law to protect these important places. Included in that body of law is the National Historic Preservation Act, and indeed, the Federal Land Policy and Management Act, which governs BLM, precludes the sale of any land that is included in the national system of trails.

As the Chairman noted, land transfers occur regularly, but these transfers are worked out in accordance with the appropriate body of Federal law and regulations in order that important historic places will always be protected, regardless of who owns the land.

The National Trust is concerned that unless these protections continue to apply to Martin's Cove and the surrounding area, there is no assurance that these important historic resources will be fully identified and protected and that public access will be fully guaranteed. But, Mr. Chairman, there are ways to pursue the goals of this legislation and provide the necessary protections.

We have two suggestions that we would like to make today. One is what we would call a co-stewardship agreement. That is that a cooperative agreement would be worked out between the BLM and the LDS Church, much along the lines of what has already been worked out with the Sun Ranch. The land would continue to be owned in this case by the Federal Government, but would be managed by the LDS Church and all the Federal protections would continue to apply.

Or, if the land is to be transferred, as this bill would authorize, we would urge that the bill be amended to make clear that all the Federal protections that now apply would continue to apply. The new owner, the LDS Church, would then be responsible for carrying out these laws.

I would point out a recent example where this has, in fact, been done. I think it was in the year 2000 that Title VI of the Water Resources Development Act authorized the transfer of over 300,000 acres from the Corps of Engineers to the State of South Dakota. Within that legislation, there was provision as part of the transfer that all of the appropriate Federal laws would continue to apply, and in this case, the State of South Dakota would be the responsible party for carrying out that legislation.

If the transfer goes forward, we would also urge a full survey to ensure that all of the important historic and cultural resources that are contained within this acreage are identified and that this survey be completed before the transfer is completed.

Finally, that a management plan be worked out with the new owners and the BLM to ensure public access and to ensure that the appropriate stewardship measures are taken into the future. Thank you, Mr. Chairman.

Mr. RADANOVICH. Thank you.

[The prepared statement of Ms. Higgins follows:]

**Statement of Kathryn Higgins, Vice President of Public Policy,
National Trust for Historic Preservation, on H.R. 4103**

Mr. Chairman and Members of the Subcommittee, on behalf of the 250,000 members of the National Trust for Historic Preservation, I would like to thank you for the opportunity to testify on H.R. 4103, the "Martin's Cove Land Transfer Act." It is my hope that my testimony today will clarify and expound upon the potential impact that H.R. 4103 could have on Federal protections currently afforded to historic and cultural resources on public lands, which could be jeopardized once those lands are transferred to a private entity. H.R. 4103 proposes such a transfer of 1,640 acres of historically significant land to a private entity—the Church of Jesus Christ of Latter-day Saints in Natrona County, Wyoming.

For the last 26 years, the Federal Land Policy and Management Act (FLPMA) has governed the disposition of public land tracts but has explicitly excepted lands that are of national significance—specifically units of the National Wilderness Preservation System, the National Wild and Scenic Rivers System, and the National System

of Trails. In addition, the National Historic Preservation Act of 1966 and the National Environmental Policy Act of 1969 require that Federal agencies take into account the impact of their actions prior to any transfer of public lands that include historic and cultural resources. The Martin's Cove land tract proposed for sale intersects portions of the National Historic Trails System which includes segments of the California, Oregon, Mormon and Pony Express Trails. The National Park Service's Comprehensive Plan/EIS of November 1999 has designated the portions of these trails, which are located in the proposed Martin's Cove tract, as containing "high potential segment" as defined by the National Trails Systems Act of 1968. This means that these areas undoubtedly contain a large number of archaeological and cultural resources associated both with the pioneer migration and the Native American presence on the land. We believe that the transfer and sale of the Martin's Cove tract would be unprecedented and in contravention of Congress' intent in enacting these laws, which have protected public lands for a generation.

We understand that land is often transferred out of Federal ownership; in fact the Federal Land Policy and Management Act (FLPMA) sets forth procedures for the disposition of such lands. However, the law clearly states that if BLM were to make this transfer under its own authority, it would be required to ensure that protections for historic and cultural resources were in place. In addition, FLPMA clearly states that land within units of the National Wilderness Prevention System, National Wild and Scenic Rivers Systems, and National System of Trails should not be transferred. Because the transfer of Martin's Cove under H.R. 4103 would not follow this established Federal policy, we urge Congress carefully review this sale to ensure that Federal protections are not lost for this area, which has historical significance to the entire nation.

The National Trust recognizes the importance of the Martin's Cove site for the LDS Church as a historic site where 150 emigrants of the Willies and Martin handcart companies lost their lives in an early fall snowstorm in 1856, and understand the Church's interest in playing a role in interpreting the site. However, we also recognize that this area has a rich history of the western emigration movement for Mormons and non-Mormons alike, as well as Native Americans who resided in this area well before western settlers arrived.

Western historians have noted that much of Wyoming history is a story about people who traveled across the state to get somewhere else. Most people traveled through the state on the California, Oregon, and Mormon trails. Collectively, their history is part of the larger story of the California gold rush, of farmers looking for a new life in the lush valleys of Oregon, and of the Mormon settlement of Utah. With few exceptions, their individual stories were never written down. Instead the only record of their journey is in the wheel ruts, the campsites, and their discarded artifacts of everyday life and their sacrifices marked by hastily dug gravesites along the trail.

Native Americans, who were there well before the western settlers, also traveled through this area attracted by the same amenities as the emigrants. For example, two archaeological sites that may be eligible for the National Register of Historic Places have been identified near Martin's Cove and it is likely that many more are yet to be discovered.

The opportunity to survey, identify, record and protect historic sites associated with Native American and western migration history could be lost if this land is transferred to the LDS Church without including the preservation provisions afforded under existing Federal law. In addition, a perpetual easement should also be considered as part of the conveyance, which would allow for continued public access to this area. In a letter to Chairman Hansen dated May 3, the National Trust made it clear that while we do not object to the transfer per se to the LDS Church, we are concerned that the legislation, as currently written, would transfer this nationally significant historic area without also transferring the long-term legal protections for historic and cultural resources that now apply to this land because it is owned and managed by the Federal Government.

For example, the National Historic Preservation Act imposes obligations on Federal agencies to ensure that activities on Federal land fully address impacts on properties eligible for or listed on the National Register of Historic Places. Section 110 of the Act imposes a number of stewardship obligations on Federal agencies including the responsibility to survey, identify, and evaluate historic properties under their control or ownership; to undertake the preservation of such properties under Federal standards, consistent with agency mission requirements; to coordinate preservation related activities with state and local agencies and Indian Tribes; and to approve plans undertaken by transferees of Federal property to see that historic and culturally significant values are preserved and enhanced.

Further, the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA), and Executive Order 13007 also impose certain protections for archaeological and cultural resources. These protections apply to Federal land stewards like the BLM, but would not apply to lands passed along to private owners unless by express requirement. For example, NAGPRA imposes certain obligations on BLM to take steps to protect Native American cultural items found on Federal lands through intentional excavation or inadvertent discoveries, and establishes a process to repatriate human remains and associated Native American cultural items to the Indian Tribes. ARPA regulates access to archaeological resources on Federal and Indian Lands and in essence forbids anyone from excavating or removing an archaeological resource from these lands without first obtaining a permit from the responsible land management agency.

Under AIRFA, a Federal agency is obligated to consider, and consult with Tribes about anything that might affect their religious practices. AIRFA is a call to recognize that religious practices, not just places, and certainly not just National Register eligible places, are “cultural resources” that need to be considered in planning. Executive Order 13007 deals explicitly with sacred sites and in short requires Federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, to avoid adverse effects to the physical integrity of such sites, and to implement procedures to carry out the provisions of the order in a manner that respects the government-to-government relations between the U.S. government and Indian tribal governments.

Again, these legal protections would no longer be applicable once public land is transferred into private ownership, unless they are passed along to the grantee. Therefore, we would oppose any legislative transfer of Martin’s Cove that does not include such protections as a precondition to a sale of the land.

Should Congress decide to proceed with this transfer, the National Trust strongly recommends that H.R. 4103 be amended to include Federal protections for cultural resources provided by the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, and the Archaeological Resources Protection Act. Because cultural resources cannot be properly protected until they are identified, it is also our view that any transfer legislation should require the BLM to complete a comprehensive cultural resource survey of the land as a precondition of any transfer. The BLM (or the recipient, subject to the agency’s approval) should also be required to prepare a comprehensive management plan that addresses issues relating to public access and interpretation of sites and takes into account the full range of historic and cultural resources in this area. Other interested parties—including state and local authorities and appropriate Native American Tribes—should be consulted throughout the process.

We believe that such protections can be incorporated into an easement or protective covenant that will run with the land when it is sold. Alternatively, we would also support a co-stewardship agreement between the Federal land management agency and the LDS Church where lands would continue in public ownership, but would be privately managed with all Federal protections intact, and consistent with the type of management plan noted earlier.

A precedent for transferring legal protections with Federal lands occurred recently when land along the Missouri River was transferred from the Army Corps of Engineers to the State of South Dakota under Title VI of the Water Resources Development Act. The law specifically contained language that ensured the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and the Archeological Resources Protection Act would continue to apply to the land upon transfer. This land contains a vast number of historic and cultural resources within the Missouri River basin in South Dakota. Historic and cultural sites include homesteads, trading posts, prehistoric villages, sites with fortifications, petroglyphs, historic forts and townsites, battle sites, sites visited by Lewis and Clark, and several prehistoric and historic cemeteries.

In sum, whether the recipient is a state agency or a private owner, the transfer of nationally significant historic lands from Federal stewardship should not occur unless legal assurances are incorporated to see that the protections afforded to cultural resources would continue to apply after the land has been transferred. In addition, public access to this area should continue in perpetuity and must be included as part of any conveyance.

Finally, if this land is transferred, we would support the Department of the Interior’s recommendation that H.R. 4103 include a reversionary clause to the Federal Government in order to ensure the site will be protected should the Church chose

to discontinue ownership or falter in the management of the Martin's Cove property in the future.

Mr. Chairman, we look forward to working with you and the committee to address these concerns about this legislation. Thank you very much for the opportunity to provide testimony on H.R. 4103. This concludes my statement and I will be pleased to answer any questions you or the other members of the subcommittee may have on our views.

Mr. RADANOVICH. We will now move to Mr. Kirk Koepsel. Kirk, welcome to the Committee, and please begin your testimony.

STATEMENT OF KIRK KOEPESEL, NORTHERN PLAINS REGIONAL REPRESENTATIVE, SIERRA CLUB, SHERIDAN, WYOMING

Mr. KOEPESEL. Mr. Chairman and members of the Committee, thank you for the opportunity to testify here today. I would like to establish by my testimony our opposition to H.R. 4103, the sale of historically important public lands to a private entity.

I am Kirk Koepsel, Northern Plains Senior Regional Representative for the Sierra Club, and I am speaking today on behalf of the Wyoming Chapter of the Sierra Club.

Section 102(a) of the Federal Land Policy and Management Act of 1976, FLPMA, clearly states Congress declares that it is the policy of the United States that the public land be retained in Federal ownership unless as a result of land use planning procedures provided under this act it is determined that disposal of a particular parcel will serve the national interest.

Section 203(a) of the same Act makes it even more clear that this sale is contrary to the national interest where it prohibits the BLM from selling lands along units of the National System of Trails. Martin's Cove is located along four national historic trails, the Oregon Trail, the Mormon Trail, the California Trail, and the Pony Express Trail. In fact, the region surrounding these four trails near Martin's Cove is one of the best areas to view the intact trails and experience the history of westward expansion. The four trails and their tracks have been severely diminished in other parts of the West by highway paving, development, and agricultural cultivation. Thus, it is important to preserve the Martin's Cove area.

Quite frankly, with the prohibition of sale of lands along national trails in FLPMA, the Sierra Club was surprised by the endorsement of an amended H.R. 4103 by the Department of Interior at the Casper field hearing. This is a major shift in policy. The Wyoming BLM told the Church that they would not sell Martin's Cove in accordance with their resource management plan. It makes little sense that the Department of Interior would blatantly disregard Federal law and local management decisions.

There have not been any BLM administered National Register of Historic Places sold to a private entity that we have been able to find. If the BLM was forced to transfer title to Martin's Cove, let alone an entire 2.5 sections of public land, it would be selling off a National Register site at Martin's Cove and part of the Tom Sun Ranch National Historic Landmark.

Martin's Cove is located within recommended boundaries for the Sweetwater Rocks wilderness area proposed by 16 Wyoming conservation and sporting organizations. It is an area of exceptional

beauty and scenery. The area is composed of an ancient mountain range whose smooth pink granite is the backdrop for the Sweetwater River and for the four national historic trails which pass close by.

This is probably the most significant and detrimental public land sale in Wyoming and the Nation in recent memory. The precedent would be established to dispose of nationally significant public lands to special interest groups. Never before has a national historic site, and when I say national historic site, I want to be clear on this that the common vernacular for areas that are on the National Register of Historic Places is national historic site. I think most of the Chambers of Commerce around the West refer to their historic properties with that title, and of national historic trails have not been sold to any special interest groups.

In fact, a front-page story in the Saturday, May 11, 2002 Casper Star Tribune discusses how Native Americans are paying close attention to this bill because of their desire to acquire sacred sites. Devil's Tower National Monument in Wyoming and Rainbow Bridge National Monument in Utah are examples of Native American sacred sites that have had difficulty coordinating sacred use with the general public's enjoyment.

The Martin's Cove area is currently managed under a cooperative management agreement between the Bureau of Land Management and the Church of Jesus Christ of Latter-day Saints. I have toured and hiked Martin's Cove area, as well as the Sweetwater Rocks wilderness study areas. The Church does a great job of interpretation of the site at the Sun Ranch. Visitors can go to Martin's Cove via a hiking trail and even pull a handcart if they choose. The short hike to Martin's Cove is beautiful and inspirational the way it is currently managed. The current management more than satisfies the vast majority of visitors who go to the site. The Wyoming Chapter of the Sierra Club believes there is no need to change the management at Martin's Cove.

We also feel that Representative Hansen should accede to the position of Wyoming's U.S. Representative, Barbara Cubin, who does not support this legislation. We would hope that Representative Cubin's opposition would warrant the withdrawal of H.R. 4103 from the legislative process. Martin's Cove is best left in public ownership with the current and cooperative management that is occurring at the area.

The CHAIRMAN. Thank you very much.

[The prepared statement of Mr. Koepsel follows:]

**Statement of Kirk Koepsel, Northern Plains Regional Representative,
Sierra Club and Wyoming Chapter Member, on H.R. 4103**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify here today. I would like to establish by my testimony our opposition to House Resolution 4103, the sale of historically important public lands to a private entity.

I am Kirk Koepsel, Northern Plains Senior Regional Representative for the Sierra Club. I am speaking today on behalf of the Wyoming Chapter of the Sierra Club. I have been a Chapter member for twelve years. The Wyoming Chapter represents over 1,000 Wyoming citizens and over 700,000 members nationwide who recreate, explore and enjoy our public lands.

The Martin Cove Sale Is Contrary to the Federal Land Policy and Management Act of 1976

Section 102(a) of the Federal Land Policy and Management Act of 1976 (FLPMA) clearly states: Congress declares that it is the policy of the United States that (1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest.

Section 203(a) makes it even more clear that this sale is contrary to the national interest where it prohibits the BLM from selling lands along units of the National System of Trails.

Historical Value

Martin's Cove is located along four National Historical Trails—the Oregon Trail, Mormon Trail, California Trail, and the Pony Express Trail. In fact, the region surrounding these four trails near Martin's Cove is one of the best areas to view the intact trails and experience the history of western expansion. The four trails and their tracks have been severely diminished in other parts of the West by highway paving, development and agricultural cultivation, thus it is important to preserve the Martin's Cove area.

500,000 people traveled these Historic Trails before 1900. Eighty-five per cent of these users were not Mormons headed for Utah. The Oregon Trail is the first road carved by covered wagon travelers and later followed by the 49'ers, Mormon pioneers and Pony Express riders. The Mormon Trail is recognized as the first National Historic Trail in the nation. The Native American prehistoric use of the Martin's Cove vicinity should be recognized as well.

Quite frankly, with the prohibition on selling lands along National Trails in FLPMA, the Sierra Club was surprised by the endorsement of an amended H.R. 4103 by the Department of Interior at the Casper field hearing. This is a major shift in policy. The Wyoming BLM told the Church that they would not sell Martin's Cove in accordance with their Resource Management Plan, and it makes little sense that the Department of Interior would blatantly disregard Federal Law, and local management decisions.

Martin's Cove Sale is Contrary to the Intent of the National Register of Historic Places

There has not been any BLM-administered National Register of Historic Places sold to a private entity. If the BLM were forced to transfer title of Martin's Cove, let alone an entire 2.5 sections of our public land, it would be selling off the National Register site at Martin's Cove and part of the Tom Sun Ranch National Historic Landmark.

Martin's Cove Sale Would Include Lands Proposed for Wilderness Designation

Martin's Cove is located within recommended boundaries for the Sweetwater Rocks wilderness area proposed by sixteen Wyoming conservation and sporting organizations. It is an area of exceptional beauty and scenery. This area is composed of an ancient mountain range whose smooth pink granite is a backdrop for the Sweetwater River and to the four National Historic Trails, which pass close by.

Martin's Cove Would Set a Dangerous Precedent for Other Religiously Significant Lands

This is probably the most significant and detrimental public land sale in Wyoming and the Nation in recent memory. The precedent will be established to dispose of nationally significant public lands to special interest groups. Never before has a National Historic Site or National Historic Trail been sold to any special interest group. In fact, a front page story in the Saturday, May 11, 2002 Casper Star Tribune discusses how Native Americans are paying close attention to this bill, because of their desire to acquire sacred sites. Devil's Tower National Monument in Wyoming and Rainbow Bridge National Monument are examples of Native American sacred sites that have had difficulty coordinating sacred use with the general public's enjoyment. Other religious institutions may also be interested in the purchasing of public lands. For example, much of the red rock canyon country around Sedona, Arizona is considered sacred to believers in New Age religion.

Conclusion

The Martin's Cove area is currently managed under a cooperative management agreement between the Bureau of Land Management and the Church of Jesus Christ of Latter-day Saints. I have toured and hiked Martin's Cove area as well as the Sweetwater Rocks Wilderness Study Areas. The Church does a great job on interpretation of the site at the Sun Ranch. Visitors can go to Martin's Cove via a

hiking trail, and can even pull a handcart if they choose. The short hike to Martin's Cove is beautiful and inspirational the way it is currently managed. The current management more than satisfies the vast majority of visitors who go to the site. The Wyoming Chapter of the Sierra Club believes that there is no need to change the management at Martin's Cove. There are many reasons that we have pointed out that the sale of this land is not in the public's best interest.

We also feel that Representative Hansen should accede to the position of Wyoming's U.S. Representative, Barbara Cubin who does not support this legislation. We would hope that Representative Cubin's opposition would warrant the withdrawal of H.R. 4103 from the legislative process. Martin's Cove is best left in public ownership with the current cooperative management that is occurring at the area.

The CHAIRMAN. Mr. Lukei, you are recognized for 5 minutes.

**STATEMENT OF REESE F. LUKEI, JR., NATIONAL
COORDINATOR, AMERICAN DISCOVERY TRAILS SOCIETY,
VIRGINIA BEACH, VIRGINIA**

Mr. LUKEI. Thank you. Chairman Hansen and members of the Subcommittee, my name is Reese F. Lukei, Jr. I have been the National Coordinator of the American Discovery Trail for the past 11 years, a grassroots project administered by the American Discovery Trail Society.

The principal goals have been to, one, establish our nation's first coast-to-coast multi-use recreational trail through a nationwide grassroots effort; two, connect as many existing local, regional, and national trails together as possible; three, route the trail through large metropolitan cities and smaller towns, thus bringing it closer to where people live; and four, provide encouragement to local citizen groups and municipalities to develop and maintain trails in their communities.

Under the National Trails System Act, eight national scenic trails have been created under the model established by the Appalachian Trail and, therefore, are mostly located in remote areas, avoiding urban areas. Over the past 30 years, there has been a major shift in the use of trails, as indicated by several studies by Federal agencies, the outdoor recreation industry, and the housing industry, all demonstrating that recreational trail use has increased tremendously and is expected to continue to do so, and most importantly, that people are demanding and using trails closer to where we live.

The proposed long-distance category national discovery trails and the American Discovery Trail recognizes these trends. The ADT is the first long-distance trail that has been intentionally designed to link trails together as envisioned by the National Trails System Act in 1968 and to pass through or near large metropolitan areas. Thirty-two million Americans live within 20 miles of the 6,000-mile-long route of the ADT.

The American Discovery Trail connects five of the eight national scenic trails, including the Mormon Pioneer Trail, ten of the 14 national historic trails, 23 national recreation trails, 35 rail trails, and over 150 other local and regional trails.

All this has been accomplished through the involvement of several thousand citizen volunteers under the leadership of our 15 State coordinators, who have paid all their own expenses. Much credit is also due to local, State, and Federal land managers, town councils, planning commissions, natural resource districts, and

economic development and tourism commissions for their assistance, cooperation, and involvement.

We have been especially sensitive to the concerns of private landowners with whom we have held many meetings. Of the over 6,000 miles of ADT, only 88 miles are on private property and all of that is on existing trails with the landowners' permission.

One of the major accomplishments of the American Discovery Trail has been to provide incentive to citizens and local leaders across our nation to become involved in creating and maintaining trails in their communities. The mayor of Green Mountain Falls, Colorado, Richard Branton, made these comments to the Senate Energy and Natural Resources Committee at the hearing on the ADT legislation. "The ADT provides a unique and important connection between urban and back-country trail systems. The ADT has helped us realize a non-motorized link between the second-largest city in Colorado, Colorado Springs, and the mountain communities that surround Pike's Peak. The concept of the ADT has been instrumental in assisting us in our local fundraising efforts, supporting grant requests and capturing the interest of State, county, and local elected officials. The American Discovery Trail is key to our success."

The 160-mile River-to-River Trail in Southern Illinois is another prime example of the incentive the ADT has provided. In 1991, when the ADT scouting team passed through Illinois, the River-to-River Trail was not much more than a line on a map, and not even that in some places. Today, the entire trail is in place, marked, mapped, guidebook written, and has a 1,000-member organization supporting the trail. In 1997, Backpacker magazine named it the best trail in Illinois.

The ADT is producing economic benefits for communities along its route. In 1999, Muncie, Indiana, hosted the American Boat Sport Association convention with 1,800 attendees. The reason Muncie was selected is because of the Cardinal Greenway, which at its dedication in August 1999 was described as Muncie's new main street. The Cardinal Greenway is a vital link in the ADT.

I might add, one of the most successful new businesses along the American Discovery Trail is on the Katie Trail near Roseport, Missouri, and it is a winery.

The U.S. Senate has passed companion bill S. 498. Senator Frank Murkowski, sponsor of the bill, stated, "This is an historic piece of legislation. By combining volunteer effort with those of local and State governments, we have created a unique partnership which ultimately will benefit the entire country." I am excited by this bill and believe it will set a precedent for future trails across America.

On behalf of the 15 ADT State coordinators, the ADT Society, the thousands of citizen volunteers, and the land managers who have worked hard for 12 years to create the American Discovery Trail, I urge your support of this legislation. We wish to express our appreciation to Congressman Doug Bereuter, his staff, and the 39 members who have cosponsored H.R. 36. Thank you for allowing me to present my comments.

The CHAIRMAN. Thank you, Mr. Lukei. We appreciate your testimony.

[The prepared statement of Mr. Lukei follows:]

Statement of Reese F. Lukei, Jr., National Coordinator of the American Discovery Trail, A Project of the American Discovery Trail Society, on H.R. 36

Chairman Radanovich and Members of the Subcommittee:

My name is Reese F. Lukei, Jr. I am the National Coordinator of the American Discovery Trail, a project of the American Discovery Trail Society to develop and establish our nation's first coast-to-coast multi-use recreation trail, and to have it authorized as the 23RD long-distance trail under the National Trails System Act of 1968 in a new long-distance trail category to be known as National Discovery Trails.

During the past 30 years there have been many new trends affecting trails and the people who use them. With a greater awareness of the benefits of outdoor exercise to our personal health and a greater awareness of our environmental surroundings, people have discovered trails in their communities in ever-growing numbers. Over 800 trails have been designated National Recreation Trails, mostly in urban areas. Communities large and small have or are currently developing trails systems to accommodate this increased demand. The proposed National Discovery Trails category and the American Discovery Trail are an outgrowth of this intense interest in trails, especially at the local level.

NATIONAL DISCOVERY TRAILS

National Discovery Trails would have several important features that would enhance the National Trails System and meet the needs of trail users. Currently there are no congressionally designated trails that are primarily intended to link existing trails and urban areas into the national network envisioned by the National Trails System Act. National Discovery Trails provide this opportunity by linking existing and developing national, regional and local trails into an integrated system, much like the interstate highway system. National Discovery Trails would connect urban areas where most people live to rural and backcountry regions. Trail users would have the opportunity to experience a wide variety of physiographic regions and human settlement patterns and could gain a sense of national connection.

Recent studies addressing outdoor recreation needs and especially trail use by Federal agencies, the outdoor industry, the housing industry, and a coalition of citizen groups have all indicated a greater need for trails. The proposed National Discovery Trails and the American Discovery Trail have intentionally addressed the following aspects of these studies:

- Trails should be established closer to where people live and work;
- Trails should be developed through grassroots efforts;
- Trails should be linked to form an interconnected system.

National Discovery Trails would be defined to fulfill four specific purposes:

- Specifically emphasize linkages with national, regional and local trails;
- Emphasize connections with urban and metropolitan areas;
- Include existing trails and could be located along roadways if necessary to make the trail continuous;
- Administration of the trail to be shared between land managers and a competent trailwide volunteer-based organization.

AMERICAN DISCOVERY TRAIL

The American Discovery Trail (ADT) has been designed, developed and established to address the intent and objectives of the National Trails System and the proposed National Discovery Trails category.

PROJECT OBJECTIVES

The effort to establish the ADT began in the fall of 1989 as a joint project of the American Hiking Society, a national nonprofit organization, and Backpacker Magazine. In April 1996, the American Discovery Trail Society was formed and currently administers all the affairs of the ADT. The following are the major objectives:

- Establish the first permanent coast-to-coast multi-use non-motorized recreation trail through a nationwide grassroots effort in cooperation with Federal, state and local land managers;
- Connect together as many existing national, regional, state and local trails as possible;
- Include in the trail route major metropolitan areas as well as smaller cities and towns, thus bringing the trail as close to where people live and work as possible;

- Provide incentives and encourage the development of new trails and trail support organizations, and increase citizen participation in the upkeep of the trails they use.

TRAIL ROUTE

The ADT is over 6,000 miles long and traverses 15 states and the District of Columbia. 32 million Americans live within the corridor of the route. It begins (or ends) at the edge of the Pacific Ocean at Point Reyes National Seashore north of San Francisco. From there it crosses California, Nevada, Utah and Colorado, where in Denver it splits into two routes. The northern Midwest route winds through Nebraska, Iowa, Illinois, Indiana and a short section of Ohio. The southern Midwest route explores Kansas, Missouri, Illinois, and Indiana. After reconnecting just west of Cincinnati, the route continues through Kentucky, Ohio, West Virginia, Maryland, Washington, D.C. and Delaware, where it ends (or begins) at the Atlantic Ocean at Cape Henlopen State Park.

TRAIL DEVELOPMENT

The route of the ADT was determined through the cooperative efforts of citizens working with Federal, state and local land managers, state and local economic development and tourism commissions, state and local planning and transportation departments, and state departments of natural resources through each States' trails coordinator. The activities within each state have been coordinated and administered through the efforts of a volunteer coordinator. The original route was determined by a three person scouting team in 1990–91 during which they hiked and biked trails and roads that were selected by citizen committees in each state. Subsequent to that event, efforts have continued to refine the route and to obtain the permission of land managers to mark the route ADT with markers. Over 4,000 miles of the route are currently marked.

The ADT links 5 of the 8 National Scenic Trails, 10 of the 12 National Historic Trails, 23 National Recreation Trails, 35 rail-trails and over 100 other regional, state and local trails. In addition the ADT passes through 14 National Parks, 16 National Forests, dozens of State Parks and Forests, and many local recreation areas. The National Park Service feasibility study estimates that the corridor of the ADT route contains over 10,000 historic, cultural and natural sites of significance.

The ADT is the first long-distance trail that has been intentionally routed to pass through or near some of our largest cities such as San Francisco, Oakland, Sacramento, Carson City, Moab, Denver, Lincoln, Omaha, Des Moines, Davenport, Kansas City, St. Louis, Chicago, Evansville, Cincinnati, and Washington, D.C. Many smaller cities and towns are also on the route, bringing the trail close to where 32 million Americans live. There are also many opportunities to visit remotely located forests, deep canyons, and the vast wide open deserts of the west. The variety of experiences that one can expect is as large as one can dream, from city sidewalks and parks to the most distantly located mountain top. The entire route of the ADT is now described in detail on our web site—www.discoverytrail.org.

Grand opening events were held in each state during the year 2000. Over 300 events in communities large and small marked the official opening of the ADT. In 1999 the ADT was designated as one of 16 National Millennium Trails by the White House and U.S. Department of Transportation.

LOCAL INCENTIVE

The ADT has provided an incentive to local citizen groups to develop new trail projects, regional or citywide planning efforts, and has been of assistance to projects already underway by municipal entities. Some examples are:

- Delaware Greenways project—Delaware
- Washington, Baltimore & Annapolis Recreational Trail—Maryland
- North Bend Rail-Trail—West Virginia
- Buckeye Trail—Ohio
- Cardinal Greenway—Indiana
- River to River Trail—Illinois
- Grand Illinois Trail—Illinois
- Gateway Trailnet—Illinois and Missouri
- Flints Hills Nature Trail—Kansas
- Waterloo/Evansdale/Cedar Falls Trails System—Iowa
- Nebraska State Trails Plan—Nebraska
- Ute Pass Trail Corridor—Colorado
- Washoe Lake State Park—Nevada
- Western State Trail—California
- East Coast Greenway—Maine to Florida
- Trans Canada Trail—Canada

There are currently over 35 trail projects in 12 ADT states totaling over 1,000 miles that will in the future move the ADT off paved or gravel roads and onto trails. All these projects are as a result of local citizen efforts in cooperation with appropriate state and local agencies.

PRIVATE PROPERTY

Eighty-eight miles of the trail is on private property, and then only by landowner invitation on existing rights-of-way. States with no trail on private property are Delaware, Maryland, Washington, DC, Kentucky, Missouri, Nebraska, Colorado, and Utah. Sections on private property are:

Ohio—Buckeye Trail, 10 sections involving Mead Paper, General Electric and Eight other landowners
 Iowa—Hoover Valley Nature Trail—nonprofit owned trail
 Indiana—Campus of Hanover College
 Cardinal Greenway—nonprofit owned trail
 Indiana Power and Light right-of-way
 West Virginia—farm field—temporary until Harrison County Trail completed
 California—In-holdings in Tahoe National Forest to be acquired as part of Western States Trail

PROJECT FUNDING

The development of the ADT has been accomplished with a minimal amount of Federal Government funding, and that has come through the cooperative efforts of the personnel in the local and regional offices of the National Park Service, USDA Forest Service, and Bureau of Land Management, plus the cost of the NPS feasibility and desirability study. Many local, state and regional agencies have also contributed through their cooperative efforts.

Funding of the project, estimated at about \$4 million, has come through the members of the American Discovery Trail Society, and early in the project the American Hiking Society, the volunteer state coordinators who have funded their own efforts, and our major sponsors, Backpacker Magazine, Trails Illustrated/National Geographic, Coleman Company, Ford Motor Company and about 30 other businesses in the outdoor industry.

GRASSROOTS SUPPORT AND PARTNERSHIPS

The American Discovery Trail has generated a nationwide constituency of grass-roots groups, private sector businesses, and local, state, regional and Federal agencies to establish a route which is at once nationally and locally significant as it weaves its way through communities large and small, and through national, state and local parks and forests. It is equally important for connecting trails which alone might not be of national significance, but linked together are essential to a comprehensive national system and form a whole much greater than the sum of its parts.

In its short lifetime, the ADT development effort has strengthened and broadened the trails community. In an era when government is reaching out to the private sector, looking for strong partnerships, the ADT represents partnerships on every level: a strong partnership between a national nonprofit advocacy group and private businesses, partnerships between local trails groups and local agencies working to find the best route across this country, and partnerships with local businesses and state agencies which see the ADT as a source of potential economic benefit.

SUMMARY

The American Discovery Trail is about people and for people. It is a trail that winds through communities large and small, forests and mountains, and has involved a large number of active volunteers and partnerships with trails organizations, local and national businesses, and a huge number of local, state and Federal agencies. The ADT combines the qualities of national scenic, historic and recreation trails with an urban emphasis, but its real strength is that it provides connections—the connection between trails, between cities and the backcountry, and between the Atlantic and Pacific Oceans. The ADT connects people on their neighborhood trail to other people on their neighborhood trail many miles away.

The American Discovery Trail deserves to be the first National Discovery Trail. The U.S. Senate has passed a companion bill S.498. Senator Frank Murkowski, who sponsored the bill, stated “This is an historic piece of legislation. By combining volunteer efforts with those of local and state governments, we have created a unique partnership, which ultimately will benefit the entire country. I am excited by this bill and I believe it will set a precedent for future trails across America”.

The American Discovery Trail Society urges you to join Senator Murkowski and the U.S. Senate, and Congressman Doug Bereuter and the 39 cosponsors of H.R. 36 with your support of The National Discovery Trails Act of 2001.

The CHAIRMAN. We appreciate the testimony of the panel. We will now have questions from the members to the panel that are here. Keep in mind, there are really only two members of the Committee, and that is Mr. Faleomavaega and Mr. Dale Kildee, so I will take these two first. Tom, I did not know you were a member of this Committee.

[Laughter.]

The CHAIRMAN. Let me apologize to you. There are now three members of the Committee. Does anybody on the majority side want to claim membership?

[Laughter.]

The CHAIRMAN. Mr. Faleomavaega, you are recognized for 5 minutes. I would like to hold everybody to that 5 minutes because we have got other panelists and we are going to have to give this room up.

Mr. FALEOMAVAEGA. And all Democrats, too, Mr. Chairman.

The CHAIRMAN. That is OK. We love you.

[Laughter.]

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I would just like to ask Bishop Burton a couple of questions.

Were there obviously survivors of both the Willie and the Martin Companies that kept journals on this event?

Bishop BURTON. Indeed, there are a number of journals. My own second-great grandfather's journal is one of those.

Mr. FALEOMAVAEGA. Is there an approximate number? How many journals are there? Does the Church have this in its—

Bishop BURTON. We have a number of journals in our archives. I could not tell you exactly the number, Representative, but there are a substantial number.

Mr. FALEOMAVAEGA. Could you provide this for the record, Bishop Burton?

Bishop BURTON. Absolutely.

Mr. FALEOMAVAEGA. The reason why I am raising this issue is because there was some concern that some historian or other made a very narrow interpretation of what history is or what it should be and I was just wondering if, in fact, there were journals kept by the survivors of these two companies in question.

Bishop BURTON. Yes. The answer is yes.

Mr. FALEOMAVAEGA. I would like to ask you to comment on some of the suggestions that were offered by the Department of the Interior officials in the hearing this morning. The question of public access in perpetuity to Martin's Cove, does the Church have any concerns about that suggestion?

Bishop BURTON. There were a number of suggestions made this morning and in Casper on the fourth and those suggestions seem to strengthen the bill. Although we have not seen the exact text of those changes, conceptually, we find them all right.

Mr. FALEOMAVAEGA. This also is possible as far as also having a smaller land scale as far as the land area?

Bishop BURTON. The 1,640 acres preserved a view corridor around the cove, and obviously if that is not deemed something that wants to be transferred to protect that, then certainly less acreage could be computed.

Mr. FALEOMAVAEGA. And the Church also is open to whatever proper evaluation can be given to the land if it is to be conveyed or sold?

Bishop BURTON. Certainly, fair market value, and with all the frailties that Representative Cubin has identified already. But there is one comparable. We purchased a property 3 years ago at the Sixth Crossing of the Sweetwater, which would be a comparable site. So at least there is one market indicator of value.

Mr. FALEOMAVAEGA. I would like to ask Mr. Larsen, since you are a citizen and a resident of Wyoming, what prompted the local LDS members to do this project with reference to Martin's Cove? I mean, this is not something that just happened overnight.

Mr. Larsen. No, no, no. In fact, four decades, members from the Lander and Riverton area would go to Rock Creek Hollow, which is in the South Pass area, and celebrate our version of Pioneer Day, when the pioneers reached the State of Utah. Over the course of that time, we started to become interested more and more in the history of those handcart pioneers.

In the early 1990's, we started doing a great deal of research, and as we come to know the members of those companies, and I mean that literally, as we have studied them and as we have read their journals, we come to know who they were, we felt a deep regard to preserve the legacy that they had left us. As our young people learned about the sacrifices and the determination and the heroic rescues that took place, it changed them. It changed them for the better. It made them better citizens of our communities. And, therefore, we felt that we needed to do something to preserve those sites that were relevant to their trek across Wyoming.

Mr. FALEOMAVAEGA. Ms. Higgins, you suggested in your testimony that a continuation of a co-stewardship between the LDS Church and the BLM for the management of Martin's Cove. Is this basically where your position is?

Ms. HIGGINS. Congressman, our interest is in making sure that the Federal protections that now apply continue to apply. One model is a co-stewardship model. The other is to incorporate those Federal protections in legislation that would authorize the transfer. We certainly are supportive of the issues that the Department of Interior raised today in terms of the easements and other kinds of things.

Mr. FALEOMAVAEGA. Mr. Koepsel, you testified in opposition to the proposed bill and you expressed concern that Martin's Cove might have a negative impact on the national historic trails, the four trails. How is that going to impact negatively, the proposed bill with the development of Martin's Cove?

Mr. KOEPESEL. What I said there is there is a prohibition in the Federal Land Policy and Management Act from selling land along national historic trails. I think the development that has happened at Martin's Cove, I think I was clear on that, too, I thought was well done, really explained what had happened at the site quite

well, and was actually very inspirational, what has happened there.

Mr. FALEOMAVAEGA. Do you know how far the historic trails are from Martin's Cove?

Mr. KOEPESEL. There is a corridor on each side. Obviously, Martin's Cove was impacted by the historic trails, but probably within a mile, I would imagine, of where the trails are.

Mr. FALEOMAVAEGA. About a mile. I was just wanting to know from your point of view how this would negatively impact the preservation, if you will, of where the historic trails are.

Mr. KOEPESEL. I think what I meant through my testimony is that these trails have been determined to be in the national interest, and also, I would like to say that the Mormon migration across this area and the settlement of the inter-mountain West is a huge part of our national history for this area. Parts of Wyoming such as Star Valley and the Big Horn Basin were Mormon settlements and it is a huge part of our history and a huge part of our nation's history.

Mr. FALEOMAVAEGA. You mentioned also that there seems to be some concern on your part that decisions that were made by the local BLM officials did not coincide exactly with the change in policy here from the national office of the Department of Interior. Are you suggesting that the local officers throughout the country should have their own decisionmaking without any overseeing approach from those who are supposed to be—it is just like the Crusader Howitzer project that we are having problems with. Somebody has got to make a final decision on this. Are you suggesting that the BLM officials in Wyoming should be given the final decision on an issue like this?

Mr. KOEPESEL. What my testimony said is I think that the local officials looked at what their organic act said and made a decision that these lands were not available for sale. It did not comply with their resource management plan for the area, nor do I think it could because of the prohibitions that are in FLPMA. So I think the problem here is that the Department of Interior's testimony is not in agreement with Federal law and that the local decision-makers made a determination that they could not sell these lands because of the Federal law.

Mr. FALEOMAVAEGA. Do you have access to the recommendations of the local BLM officials on this issue, on this very bill that is now being considered by the Congress? I would like to put it in for the record, if you happen to have that information. This is the first time I have learned of this.

Mr. KOEPESEL. We researched and have spoken with local offices about what their position was, but for the Department of Interior, there have been long negotiations that have gone on in this issue before legislation arose. There was talk about an exchange being possible, but I think the sale would not have been possible.

Mr. FALEOMAVAEGA. Were there any written memos or any position papers or evaluations—

Mr. KOEPESEL. Discussions we have had with the Lander office.

Mr. FALEOMAVAEGA. I am sorry?

Mr. KOEPESEL. Discussions we have had with the Lander office and employees of that office on how this thing has progressed.

Mr. FALEOMAVAEGA. So there were oral discussions with you—

Mr. KOEPESEL. Yes.

Mr. FALCOMA. —but nothing in writing as far as that? I notice my time is up, Mr. Chairman. I will wait for the second round.

The CHAIRMAN. The gentleman from Michigan, Mr. Kildee, is recognized for 5 minutes.

Mr. KILDEE. I will defer to Mrs. Cubin.

The CHAIRMAN. The gentlelady from Wyoming is recognized for 5 minutes.

Mrs. CUBIN. Thank you, Mr. Chairman.

I want to start by thanking Mr. Larsen for being here today. You did an excellent job in testifying in Casper. I appreciate that, and I think you are an extraordinarily strong advocate for your cause and I really do respect your opinion. I want to welcome your son here, too. What is his first name?

Mr. Larsen. It is Jared, Mrs. Cubin.

Mrs. CUBIN. Well, Jared, I think I know who you are back there. Welcome. I just wanted to get your name in the Congressional Record.

[Laughter.]

Mr. Larsen. He is the cute one.

[Laughter.]

Mrs. CUBIN. Of course, and the brilliant one, too.

The CHAIRMAN. Ask him where the name came from.

Mrs. CUBIN. Anyway, thank you very much.

As you know, there has been, particularly in the State's only Statewide newspaper, a lot of opposition to the sale of Martin's Cove. Some have suggested that the Church will change the history of the place so that it becomes more of an LDS site rather than a national site. I wanted to ask you if other ranchers in the area and other property owners in the area have had any input. I mean, for example, in the museum, did those come from people that were not LDS as well as people that were LDS?

Mr. Larsen. There are not many Mormons along the Sweetwater. The ranchers surrounding the visitors' center have been very cordial and have been very willing to donate artifacts that are presented in the history of the Sweetwater Museum.

Mrs. CUBIN. I want you to know that I sincerely believe that no one will care more for that land and protect it better than the Church. This is why this is such a difficult position for me, but nonetheless, that is why I get paid the big bucks, I guess.

I wanted to ask Bishop Burton, do you know why the talks broke down and why we were never able to come to terms on a land transfer over the past 5 years?

Bishop BURTON. The land transfer proposition involved a survey of about every site along the trails from the eastern to the western edge of Wyoming. In that survey, we were only able to discover two sites. One was the Sixth Crossing of the Sweetwater, which I have already mentioned. We offered acre-for-acre there, as I have so testified.

Another property that met the criteria that was stood up by the Bureau—

Mrs. CUBIN. Bishop, I think I did not state my question correctly. What I want to know is, in terms of Martin's Cove, there has been

negotiating back and forth between the BLM and the Church for about 5 years and yet they were not able to come to an agreement on the exchange. Do you know—

Bishop BURTON. That is because a suitable property, Representative Cubin, was not identified that met the criteria of the Bureau of Land Management for an exchange.

Mrs. CUBIN. I see.

Bishop BURTON. The Bureau of Land Management would not entertain a notion for a sale. Hence, the only avenue open to us was an exchange and suitable property was not found.

Mrs. CUBIN. Thank you. I want to go back to Mr. Larsen. Mr. Koepsel testified that there had been conversations and input from the BLM in the Lander office and in the general area who were opposed to this sale. Could you tell me if you agree—would you please comment on that?

Mr. Larsen. Yes. I think that fits well into the history of the exchange that you were asking Bishop Burton. When we proposed an exchange at part of the property that we purchased at Sixth Crossing, we were told that the property that we offered with the easement in perpetuity did not meet the test. The problem with that, Representative Cubin, is that we do not know what the test is. It appeared to us that the administrators at the local office are the ones that determine what does and what does not meet the test. There is not a written criteria that we are aware of.

So about a year ago, we met with Mr. Jack Kelly, who is the area supervisor for the Lander District of the BLM with the intent to find out if there were any other properties that were, indeed, available for the exchange that they knew of, and we explained to him the same things that Bishop Burton just explained to you, that we had searched across the State of Wyoming for suitable properties that might interest the BLM that had historical significance. He indicated that he felt that we had exhausted and had done a fairly well research and that they were not aware of any other properties. We then asked him if he had any other suggestions. He indicated that he did not.

So at that time, we told him that we felt that because there was not any other properties available and because the BLM had turned down the offers that had been made, that we wanted to pursue a legislative action that would enable us to purchase Martin's Cove, and we, indeed, asked him if we could get his support in that. He indicated that he not only could not support, that he would be opposed to that.

The reason that we wanted him to know that, Representative Cubin, is because we wanted to be very up-front in our dealings with the government on this issue. We did not want anybody to think that we were making an end-run on this issue. In fact, when I went to meet with Senator Craig Thomas's office and your office in Casper the next day to inform you of our intent, your office already knew because Jack Kelly had already called them and contacted them.

Mrs. CUBIN. Thank you very much.

The CHAIRMAN. The gentleman from Michigan, Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. I look forward to working with you and Mr. Rahall to fashion a bill that will meet the

public needs and the special historical needs of the Church of Latter-day Saints and I think we can be successful in that.

Mr. Hansen and I discuss two things regularly, theology and politics. I am Roman Catholic and he is a good Mormon and we enjoy both discussions. But I think, looking specifically, the Church of Latter-day Saints has a keen interest in history and they have been willing to share that interest in history with people not of the Church. I am trying to check my ancestry, so I will be looking through your records out there.

But I think if you look specifically at your practice for years and your belief for years, a very keen interest in history and I think you come to us with that very special qualification. So I feel that the Church certainly will want to keep that land as it was and share, as you have in the past, the other historical background which the Church provides for the whole country.

So I think we can work this out, Mr. Hansen, and I look forward to working with you.

The CHAIRMAN. I thank the gentleman from Michigan, who is the most knowledgeable man I know on Catholicism and I enjoy our discussions on theology. A very fine person, too, I may add.

The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. I thank the Chairman for the opportunity to be in the Subcommittee today. In the interest of full disclosure, I am a member of the LDS Church. I appreciate having Bishop Burton here and President Larsen and others.

I, too, have been impressed with the package that has been put together and the care that has been taken by the Church and others to make sure that the site is preserved and that access is maintained. Do you want to talk about that for a minute, Bishop Burton, about the Church's policy of access to the properties that it has that have a historical value?

Bishop BURTON. Thank you for the question. As I mentioned before, we operate about 20-plus sites around the country and around the world and they are all open to the public and we invite the public to come and share in the history that they represent. So one of our tenets, of course, is to allow that to take place and we do that with a religious fervor, that we think it is important and we wish to have that as a matter of record, that we would invite and accommodate and provide access for the public at not only this site, but others around the country.

Mr. FLAKE. Thank you. The representative from the Sierra Club, if I could ask you, the BLM had not developed the property prior to the Church's involvement at all. The property was not developed or probably would not be developed. Do you believe that it would be for the other portions or the other historic trails going through, or would that site likely be just left fallow?

Mr. KOEPEL. Well, the biggest problem with the Martin's Cove site was the lack of access into it. It is a huge problem we have all over Wyoming, is getting access to our public lands, and it was the Church through their acquisition of the Sun Ranch that finally provided a convenient way to access the site. There were some ways to access the site, but they were very difficult, and it was finally with the Church's acquisition that it facilitated access to the site.

Mr. FLAKE. Just to follow up, if this sale goes through, do you think more Americans would have an opportunity to view this site and enjoy and learn about history with this sale or without it?

Mr. FLAKE. As I mentioned in my testimony, I think that the site is well developed right now. The Sun Ranch or some buildings there have been converted into a visitors' center that the Church runs. You can hike out to Martin's Cove. I do not know of any changes. The Church has not mentioned any changes that they are interested in the site, so I do not know if there would be much difference in the way the site is being managed or not.

It seems like the Bureau of Land Management has been quite cooperative in signing the site, allowing interpretive signs, so I think the site is well developed right now. People can get a very inspirational story of what has happened at that site and it seems as if the site is being managed quite well in its current state.

Mr. FLAKE. I thank all the witnesses and I appreciate, again, the opportunity to sit in on the Subcommittee and I am pleased to support the legislation.

The CHAIRMAN. Thank you, Mr. Flake.

The gentleman from American Samoa has further questions. We will recognize you for 5 minutes, Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I just wanted to go back to Mr. Larsen's response, I think, to Congresswoman Cubin's question about the criteria. When the proposed transfer to be made, I think your communication with Mr. Kelly there at the BLM, did you mention that to this day, you still do not know what that criteria is from the BLM?

Mr. Larsen. We do not.

Mr. FALEOMAVAEGA. How many months and years has this been in place? You mean to this day, the BLM regional office there at Wyoming still has not explained to you and to the people there in Wyoming what that criteria is?

Mr. Larsen. Their indication, Representative, was that—he told us that we did not have to pronounce his name in Wyoming, we could just call him John Wayne, so Representative John Wayne—
[Laughter.]

Mr. Larsen. —Mr. Kelly's, or the BLM's response to us was that it did not meet the historic needs that Martin's Cove did for the public and what test or what criteria that they used to determine that, I do not know. The portion of property that was offered was what is called the Seminole Cutoff, which was an alternate route around Rocky Ridge. Rather than going over the hard inclination of the mountain that passed the Sweetwater Canyon, they could bypass and go on the south end of the river and it was used quite significantly and we thought it was a very good option.

If I could just touch on one other theme, the question that Representative Flake posed on the trail's corridor coming into Martin's Cove, the majority of that corridor actually now exists on land that was formerly the Sun Ranch and is now currently owned by the Church and the public did not have access to that corridor until the Church made it possible for them through the acquisition of this property. So public access to that corridor has been greatly enhanced.

Mr. FALEOMAVAEGA. I am trying to see if I can—it is too bad Secretary Fulton is not here, but I just wanted to ask, Mr. Larsen, in your best opinion, the LDS Church has made a very good faith effort to work or to do some kind of a transaction as requested by BLM, whether to transfer the land or exchange lands, and how long have these negotiations been going on?

Mr. Larsen. We actually entertained the idea shortly after the purchase of the property in 1997 and I believe that those negotiations started to some degree in 1998—1996, thank you.

It is an interesting point of information that we hired one of the past National Cattlemen's Association, who are familiar with the owners and ranchers in Wyoming, to actually go across the trail in Wyoming and to visit with any of those that he thought might have property that would be historically significant and to see if any of that property was available, and he went from one end of the State to the other to try and do that. We feel that we have made a very fair effort in trying to identify property that would be historically significant and to try and negotiate for acquisitions of that property to pursue for trade.

Mr. FALEOMAVAEGA. As I recall from our hearing that was held at Casper, one of the criticisms also of the proposed legislation is that the Church and BLM had only met once during that five- or 6-year period about trying to do some kind of a transaction. Is this an accurate description, Mr. Larsen?

Mr. Larsen. No, it really is not. The correct statement would be is that the Church made only one formal offer to the BLM for exchange. There were ongoing meetings with the BLM in pursuit of a trade. I do not know the exact number of times, but I know it was on a number of times that farm management met with the BLM in Lander to try and negotiate a trade on that.

Mr. FALEOMAVAEGA. I have a note here from Mr. Koepsel, the provision under FLPMA, I believe it is under Section 1713 of the FLPMA Act, or Section 203, where it states that a tract of the public lands, except lands in units of the national trails, the preservation, the wildlife and scenic rivers, may be sold under this Act where as a result of land use planning required under Section 1712. Does this give you any indication that this is in violation of what this proposed legislation is trying to do?

Mr. KOEPESEL. I do think it is a violation of this legislation. Obviously, since it was passed by Congress, Congress can override its legislation, its own legislation that was passed previously, but Martin's Cove is intricately connected with the Mormon Trail, which is one of the four national historic trails that goes through that area.

I think what I was trying to make clear there is that the Department of Interior should be following the legislative guidance that Congress has given it. In this case, I think it is quite clear that, administratively, the Department of Interior and its agencies, such as the Bureau of Land Management, cannot do this administratively. Obviously, Congress can because they passed the original legislation.

Mr. FALEOMAVAEGA. Thank you, and I appreciate Mr. Larsen reminding me that my name is John Wayne as we met in Casper. [Laughter.]

Mr. FALEOMAVAEGA. Thank you very much, Mr. Chairman.

The CHAIRMAN. He never made a bad movie, either.

Let me just say, you have all asked questions about the Church negotiating with BLM regarding why it was so hard and so difficult. Because I guess I am the old dog around here and have done many of these, very few people make it. It just does not happen. They get involved in this thing. They get discouraged. They get turned down. They go from one place to the other. They start at their local area, they go to Denver, they come back here, and they give up and they just wring their hands and say it cannot be done.

That is really our fault, because we have made it so complicated for people to make land exchange, and they have to be. I mean, there are just some times you have to make changes, for roads, for military, for whatever it may be, and it really bothers me it is so difficult.

So where do they come? They come to Congress. We are doing one omnibus bill together now and invite all of you to take care of your little problems, wherever they may be. We do an omnibus bill where we find an area and we put it in this bill and we take care of all 11 Western States.

When I was a city councilman 42 years ago, the little town that I am from is called Farmington, Utah, and the city grew around a piece of BLM and a piece of the Forest Service. I tried for 12 years as a city councilman to get the Forest Service and the BLM to do something and they said, "Oh, yes, we are working on it," but nothing ever happened.

When I went to the State Legislature, I brought it up. When I was Speaker of the House, I got in contact with the head of BLM. They said, "Mr. Speaker, we will do something on it." Nothing happened. So as a Congressman, I put it in the law and we got it done.

I do not blame anybody. The LDS Church, we did one for the Wesleyan Church, we did one for the Catholic Church, we have done it for other Churches. We are willing to do this if they have a meritorious and reasonable thing.

We have looked at the law also, and in our opinion and in the opinion of our attorneys, it is perfectly legal, what we are doing, and I think it is a stretch to say otherwise.

Now, I do not mean to get in a hassle with the gentleman from the Sierra Club because I know he is a good man and trying his best to do what he thinks is right, but I just got so intrigued with your last comment to my good friend, Barbara Cubin, who I have worked with diligently, and before her, Craig Thomas, and before that, Dick Cheney. I have probably carried more pieces of legislation for Wyoming than anybody that has ever lived in Wyoming.

But anyway, be that as it may—

[Laughter.]

The CHAIRMAN. —where he makes the statement that maybe because she is from Wyoming, that I should withdraw, I would assume from that criteria that—the Sierra Club guy in Utah is named Lawson Legate, and Mr. Lawson Legate has two or three people. One is called Maurice Hinchey from New York. Another one is Chris Shays from Connecticut, and another one is a member of our Committee, Rush Holt from New Jersey.

Now, if we use that, would you call Mr. Lawson Legate and tell those three people to get out? I would like to mention five others,

one from Nevada, Arizona, and others, and I think that would be a wonderful thing for you to do. I would applaud you for doing that and I would thank you very much from the bottom of my heart for getting those guys out of my State, if you would.

[Laughter.]

The CHAIRMAN. I can see you are not going to respond.

I am sorry, I did not notice. Mr. Cannon just came in, from the Third District of Utah. Mr. Cannon, I recognize you for any statement you may make or questions you may ask, and do it within a 5-minute period, will you, please.

Mr. CANNON. Thank you, Mr. Chairman. I apologize for being involved in another committee and not being able to get over here earlier. I ask unanimous consent to submit a statement for the record.

The CHAIRMAN. Without objection, so ordered.

Mr. CANNON. I just might thank the panel for coming today, especially Bishop Burton for being here. While I apologize again to you for not being here, I assure you that we will take a look at the record and help move this legislation forward.

Mr. Chairman, with that, I yield back.

The CHAIRMAN. Thank you.

[The prepared statement of Mr. Cannon follows:]

Statement of The Honorable Chris Cannon, a Representative in Congress from the State of Utah, on H.R. 4103

Thank you, Mr. Chairman, for holding this hearing to discuss the future of Martin's Cove. The events that occurred on this spot of land tell an amazing story of struggle, faith, and sacrifice. It is a story that is important not only for members of the Church of Jesus Christ of Latter-day Saints, but for the state of Wyoming and for the nation as a whole.

To be honest, I have been surprised by the intensity of some in opposition to this bill. Critics have claimed that conveying public land to a religious body would be unwise. Others have said conveying National Register Property to a private entity would set a dangerous precedent for our public lands. These assertions are false.

Any careful research would show there are several cases where the Federal Government has transferred public lands to private entities for religious purposes. I would be happy to show any one the many instances in the past where this has occurred. At the same time, even if this was unprecedented, should one automatically surmise that transferring land to a Church is a bad thing? Is it not reasonable to think that a religious organization could care for a significant religious and historic site better than the Federal bureaucracy? Frankly, I am appalled by the insinuation that a Church or religious organization could not and would not be a careful steward of the land. People making that claim need to reanalyze history as well as their own biases.

Similarly, Congress has authorized the transfer, trade, or sale of lands of historical significance to private entities on numerous occasions. Virtually half the state of Wyoming is owned by the Federal Government. This bill would reduce the 31 million acres of public land in Wyoming by a little over 1600 acres. To portray this transfer as a significant attack on public lands is ridiculous.

I thank the witnesses for being here today and I look forward to hearing their testimony. I would especially like to thank Bishop David Burton for his presence and for the work he has done on this issue.

The CHAIRMAN. Let me thank all of our witnesses. We appreciate all of you being here, and one thing beautiful about this area, we want you here, we want to hear what you have to say, and we look at it very seriously, and we will read your statements.

Mr. Lukei, regarding that other bill, I think that one is well on the way. We did not mean to ignore you, but this one kind of took center stage.

With that said, we stand adjourned.

[Whereupon, at 12:27 p.m., the Subcommittee was adjourned.]

